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BUSINESS MEETINGS  
OF THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS  
FIRST SESSION

*January 3, 2017 to January 3, 2018*



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Hon. Kay Bailey Hutchison, of Texas, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador—Approved, en bloc, by voice vote

Hon. Luis E. Arreaga, of Virginia, to be Ambassador to the Republic of Guatemala—Approved, en bloc, by voice vote

Mr. Ray Washburne, of Texas, to be President of the Overseas Private Investment Corporation—Approved, en bloc, by voice vote (Booker recorded as “No”)

Ms. Kelley Eckels Currie, of Georgia, to be U.S. Representative on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative to the Sessions of the General Assembly of the United Nations—Approved, en bloc, by voice vote

Ms. Callista L. Gingrich, of Virginia, to be Ambassador to the Holy See—Approved, en bloc, by voice vote (Udall, Merkley, and Booker recorded as “No”)

Mr. Nathan Alexander Sales, of Ohio, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large—Approved, en bloc, by voice vote (Booker recorded as “No”)

Mr. George Edward Glass, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic—Approved, en bloc, by voice vote

Mr. Carl C. Risch, of Pennsylvania, to be an Assistant Secretary of State for Consular Affairs—Approved, en bloc, by voice vote (Menendez, Merkley, Udall, and Booker recorded as “No”)

Ms. Sharon Day, of Florida, to be Ambassador to the Republic of Costa Rica—Approved, en bloc, by voice vote

Mr. Krishna R. Urs, of Connecticut, to be the Ambassador to the Republic of Peru—Approved, en bloc, by voice vote

**July 27, 2017** —Continued

Ms. Kelly Knight Craft, of Kentucky, to be Ambassador to Canada—Approved, en bloc, by voice vote (Merkley and Booker recorded as “No”)

Mr. Robert Wood Johnson IV, of New York, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland—Approved, en bloc, by voice vote

Mr. Lewis M. Eisenberg, of Florida, to be Ambassador to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador to the Republic of San Marino—Approved, en bloc, by voice vote (Merkley and Booker recorded as “No”)

*The following nomination was been held over:*

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*Nominations*

Hon. Michael Arthur Raynor, of Maryland, to be Ambassador to the Federal Democratic Republic of Ethiopia—Approved, en bloc, by voice vote

Ms. Maria E. Brewer, of Indiana, to be Ambassador to the Republic of Sierra Leone—Approved, en bloc, by voice vote

Mr. John P. Desrocher, of New York, to be Ambassador to the People’s Democratic Republic of Algeria—Approved, en bloc, by voice vote

Mr. Jay Patrick Murray, of Virginia, to be Alternate Representative for Special Political Affairs in the United Nations, with the rank of Ambassador and to be an Alternate Representative to the Sessions of the General Assembly of the United Nations—Approved by roll call vote: Ayes 11, Nays 10

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S. 1848, Trafficking Victims Protection Reauthorization Act of 2017—Approved, with amendments, en bloc by voice vote

S. Res. 168, A resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia, with an amendment—Approved, with substitute amendments, en bloc by voice vote

*Nominations*

Hon. Barbara Lee, of California, to be Representative to the Seventy-second Session of the General Assembly of the United Nations—Approved, en bloc by voice vote

Hon. Christopher Smith, of New Jersey, to be Representative to the Seventy-second Session of the General Assembly of the United Nations—Approved, en bloc by voice vote

Hon. Steven Mnuchin, of California, Governor of the International Monetary Fund, Governor of the African Development Bank, Governor of the Inter-American Development Bank, and Governor of the International Bank for Reconstruction and Development for a term of five years and to be Governor of the European Bank for Reconstruction and Development, United States Governor of the African Development Fund, and United States Governor of the Asian Development Bank—Approved, en bloc, by voice vote (Merkley recorded as “No”)

Hon. John R. Bass, of New York, to be Ambassador to the Islamic Republic of Afghanistan—Approved, en bloc by voice vote

Mr. Doug Manchester, of California, to be Ambassador to the Commonwealth of The Bahamas—Approved by roll call vote: Ayes 11, Nays 10

Ms. Kathleen Troia McFarland, of New York, to be Ambassador to the Republic of Singapore—Approved by roll call vote: Ayes 12, Nays 9

**September 19, 2017**—Continued

Mr. Stephen B. King, of Wisconsin, to be Ambassador to the Czech Republic—Approved, en bloc, by voice vote

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Hon. Jon M. Huntsman, Jr., of Utah, to be Ambassador to the Russian Federation—Approved, en bloc, by voice vote

Mr. A. Wess Mitchell, of Virginia, to be an Assistant Secretary of State (European and Eurasian Affairs)—Approved, en bloc by voice vote

Mr. Justin Hicks Siberell, of Maryland, to be Ambassador to the Kingdom of Bahrain—Approved, en bloc, by voice vote

Mr. J. Steven Dowd, of Florida, to be United States Director of the African Development Bank for a term of five years—Approved, en bloc, by voice vote

**October 5, 2017** ..... 177*Legislation*

S. 832, African Growth and Opportunity Act and the Millennium Challenge Account Modernization Act, with a substitute amendment—Approved by voice vote

S. Res. 245, A resolution calling on the Government of Iran to release unjustly detained United States citizens and legal permanent resident aliens, and for other purposes, without amendments—Approved by voice vote

S. Res. 211, A resolution condemning the violence and persecution in Chechnya, with amendments—Approved by voice vote

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S. Res. 279, Reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia, with substitute amendments—Approved by voice vote

*Nominations*

Hon. Michele Jeanne Sison, of Maryland, to be Ambassador to the Republic of Haiti—Approved, en bloc, by voice vote

Hon. Peter Hoekstra, of Michigan, to be Ambassador to the Kingdom of the Netherlands—Approved, en bloc, by voice vote

Hon. Kenneth Ian Juster, of New York, to be Ambassador to the Republic of India—Approved, en bloc, by voice vote

Hon. Larry Edward Andre, Jr., of Texas, to be Ambassador to the Republic of Djibouti—Approved, en bloc, by voice vote

Mr. Daniel J. Krittenbrink, of Virginia, to be Ambassador to the Socialist Republic of Vietnam—Approved, en bloc, by voice vote

Ms. Kathleen M. Fitzpatrick, of the District of Columbia, to be Ambassador to the Democratic Republic of Timor-Leste—Approved, en bloc, by voice vote

Mr. Richard Duke Buchan III, of Florida, to be Ambassador to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra—Approved, en bloc, by voice vote

Ms. Jamie McCourt, of California, to be Ambassador to the French Republic, and to serve concurrently and without additional compensation as Ambassador to the Principality of Monaco—Approved, en bloc, by voice vote

Mr. Edward T. McMullen, Jr., of South Carolina, to be Ambassador to the Swiss Confederation, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein—Approved, en bloc, by voice vote

Mr. Peter Henry Barlerin, of Colorado, to be Ambassador to the Republic of Cameroon—Approved, en bloc, by voice vote

Mr. Michael James Dodman, of New York, to be Ambassador to the Islamic Republic of Mauritania—Approved, en bloc, by voice vote

Ms. Nina Maria Fite, of Pennsylvania, to be Ambassador to the Republic of Angola—Approved, en bloc, by voice vote

Mr. Daniel L. Foote, of New York, to be Ambassador to the Republic of Zambia—Approved, en bloc, by voice vote

**October 26, 2017**—Continued

Mr. David Dale Reimer, of Ohio, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles—Approved, en bloc, by voice vote

Mr. Eric P. Whitaker, of Illinois, to be Ambassador to the Republic of Niger—Approved, en bloc, by voice vote

Mr. W. Robert Kohorst, of California, to be Ambassador to the Republic of Croatia—Approved, en bloc, by voice vote

Ms. Carla Sands, of California, to be Ambassador to the Kingdom of Denmark—Approved, en bloc, by voice vote

Mr. Thomas L. Carter, of South Carolina, to be Representative of the United States of America on the Council of the International Civil Aviation Organization—Approved, en bloc, by voice vote

Mr. Michael T. Evanoff, of Arkansas, to be an Assistant Secretary of State (Diplomatic Security)—Approved, en bloc, by voice vote

Ms. Manisha Singh, of Florida, to be an Assistant Secretary of State (Economic and Business Affairs)—Approved, en bloc, by voice vote

Ms. Jennifer Gillian Newstead, of New York, to be Legal Advisor to the Department of State—Approved, en bloc, by voice vote

Mr. Richard Grenell, of California, to be Ambassador to the Federal Republic of Germany—Approved by roll call vote: Ayes 11, Nays 10

Hon. Samuel Dale Brownback, of Kansas, to be Ambassador-at-Large for International Religious Freedom—Approved by roll call vote: Ayes 11, Nays 10

*Foreign Service List*

Julie P. Akey, et al., dated October 2, 2017. (PN 1066)—Approved by voice vote

**November 14, 2017** ..... 193*Legislation*

S. 1928, Multilateral Aid Review Act of 2017, with amendments—Approved by voice vote

*Nominations*

Mr. Eric M. Ueland, of Oregon, to be Under Secretary of State (Management)—Held over until next business meeting

Ms. Lisa A. Johnson, of Washington, to be Ambassador to the Republic of Namibia—Approved, en bloc, by voice vote

Mr. Sean P. Lawler, of Maryland, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service—Approved, en bloc, by voice vote

Mr. Irwin Steven Goldstein, of New York, to be Under Secretary of State (Public Diplomacy)—Approved, en bloc, by voice vote

Ms. Rebecca Eliza Gonzales, of Texas, to be Ambassador to the Kingdom of Lesotho—Approved, en bloc, by voice vote

*Foreign Service Lists*

Lisa-Felicia Afi Akorli, et al., dated November 1, 2017 (PN 1199)—Approved, en bloc, by voice vote; John R. Bass, II, et al., dated November 1, 2017 (PN 1200)—Approved, en bloc, by voice vote

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S. 1118, North Korean Human Rights Reauthorization Act of 2017, with amendments—Approved by voice vote

S. 1901, LEED Act, Leverage to Enhance Effective Diplomacy Act of 2017, with amendments—Approved by voice vote

S. 447, Justice for Uncompensated Survivors Today Act of 2017, with a substitute amendment—Approved by voice vote

S. Res. 150, A resolution recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance—Approved by voice vote

S. Res. 139, A resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, with amendments—Approved by voice vote

## **BUSINESS MEETING**

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**WEDNESDAY, JANUARY 11, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 6:00 p.m., in room S-216, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

We were going to consider S. Res. 6, objecting to UNSCR 2334. I would like to thank Senators Rubio and Cardin for their work on this. Most of the members of this committee have cosponsored this, so I would like to thank them as well.

I was hoping the resolution would make an impact this weekend in Paris, and I hope to continue to work with all of you to support follow up legislation addressing anti-Semitism at the United Nations. However, I now know that one of our members would like to hold this agenda item until the next business meeting. We will respect that request and consider the resolution tomorrow.

So today we will now vote on the resolution of ratification for the accession of Montenegro to NATO. Since gaining independence and joining NATO's Partnership for Peace in 2006, Montenegro has worked to join NATO; in 2009, they received a Membership Action Plan and were formally invited in 2015.

Just as our committee supported Montenegro's accession in the last Congress, we remain supportive now—and introduce this resolution in order to amend the Washington Treaty to welcome Montenegro into NATO.

With that, I would like to recognize the distinguished ranking member for his comments, Senator Cardin.

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Thank you, Mr. Chairman, and thank you for holding today's business meeting on Montenegro's NATO Accession Treaty. We received compelling testimony from the outgoing ad-

ministration on Montenegro's bid to join NATO. It was clear that this small country has made significant contributions to the Alliance's efforts around the world and made necessary internal reforms to address governance, rule of law, and corruption issues.

This progress appears all the more remarkable for the fact that Montenegro has been subject to a wave of anti-NATO and anti-western propaganda emanating from Russia. There are also allegations that last year's coup plot in Montenegro has Russian ties. I want to strongly remind my colleagues in the Senate that rejecting Montenegro's bid to join NATO or slow walking this process will have real implications for how NATO is perceived.

We must make it clear that Russia does not get a veto over the decisions of the NATO Alliance. We must send a strong message of resolve.

This treaty passed our committee in December by a voice vote, and on the Senate floor it received unanimous support from the Democratic side. I urge all those present today to again join Senator Corker and me in support of this legislation. My hope is that when this treaty moves to the floor, Chairman Corker and Majority Leader McConnell can persuade their colleagues to support Montenegro's accession.

Thank you Mr. Chairman.

The CHAIRMAN. I would entertain a motion to approve the Montenegro treaty resolution by voice vote.

[A chorus of ayes.]

The CHAIRMAN. Is there a second?

[A chorus of ayes.]

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the Montenegro treaty resolution by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. And with that the ayes have it and the treaty is agreed to.

And that completes the committee's business.

I ask unanimous consent that staff be authorized to make technical and conforming changes; without objection, so ordered.

And with that, without objection, the committee will stand adjourned.

[Whereupon, at 6:13 p.m., the meeting was adjourned.]

## **BUSINESS MEETING**

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**THURSDAY, JANUARY 12, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 12:00 p.m., in room S-116, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Gardner, Young, Barrasso, Isakson, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. I would like to call the Foreign Relations business meeting to order. I want to thank everybody for cooperating and having this occur again today.

Obviously, we always want to deal with people's concerns and issues, and I want to one more time thank people on both sides of the aisle for the way the hearing went yesterday. I thought it was serious. I thought the questions were—it does not matter what I think, I realize. But I just thought the hearing went extremely well, and I want to thank everybody for cooperating in that.

Today, we are going to consider S. Res. 6, objecting to the UNSCR 2334 resolution. I would like to thank Senators Rubio and Cardin for their work on this. Most of the members of this committee have cosponsored this, and I want to thank them as well.

I know the goal is to have impact on what is happening this weekend in Paris. I certainly want to work with all of you all on any follow-up legislation we might want to do that is not being done for a specific issue, but maybe to address this issue in a much bigger way and maybe do so legislatively. We all realize this is more to send a signal to those who are dealing with the Paris meeting this weekend.

So, with that, I would love to have any comments, hear any comments our outstanding ranking member has to say and anybody else, and we will move to it.

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, first, let me just concur on your observations about yesterday's hearing. I was proud of each member of the committee at the seriousness that we took our responsibilities and the questions that were asked. I look at what other committees are

doing and I recognize that Senator Corker, within reason, tries to accommodate every member of our committee with the time that he or she needs in order to pursue the lines of questioning, that we had ample time to ask multiple rounds of questions, and the Chairman never showed any impatience.

And I just thank you for that because it allowed our members to develop the concerns that they had and what information that they needed, and I thought our committee really carried out its responsibility in the way we should at a confirmation hearing. So on behalf of the Democrats, I want to thank our chairman for the way the hearing was conducted.

The CHAIRMAN. Thank you.

Are there any members that wish to speak to the issue?

Senator CARDIN. If I could just, one quick—

The CHAIRMAN. Yes, okay. I am sorry.

Senator CARDIN [continuing]. Because I want to really, first of all, thank Senator Rubio and the other members of the committee that have worked on this. What we have attempted to do here in this resolution is to express ourselves against the actions taken in the United Nations Security Council and to make it clear that we do not want to see anything further happen in Paris over the weekend. That is the essence of this resolution.

We believe, and I think everyone here believes, that the only way there is going to be peace between the Palestinians and the Israelis, is that they directly negotiate the terms of the peace agreement. It will not be negotiated in the United Nations, and quite frankly, it will not be negotiated in the Senate Foreign Relations Committee. It is going to be negotiated between the two parties.

So I want to thank Senator Rubio because there were efforts made by many members to say, well, can we not really deal with this issue or that issue? And we did not deal with any of the substantive issues because that was the essence of the reason why this resolution was being adopted. We do not think the United Nations Security Council should interfere with it. We do not think the United States Congress should. So our objective was to voice ourselves against what happened in the United Nations.

I want to make one other personal note, if I might? I am, as I think most people in this room know, a strong supporter of President Obama's foreign policy. I believe he has been a strong President in supporting U.S.-Israel relations, and I have said that on numerous occasions in front of different groups. He has been able to provide the type of financial assistance, particularly in the realm of security, defense. He has protected Israel in so many different forums, and he has represented Israel's interests among some very hostile countries.

I think the United States administration made a mistake in not vetoing this resolution, and that is what this speaks to. We have a responsibility to speak out on that, but it does not diminish my admiration for our President or for our Secretary of State, who I think has been absolutely incredible in trying to seek peace between the Palestinians and the Israelis.

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman, for scheduling this today.

I wanted just to make a couple points. In my view, this is, as much as anything else, about the goal of advancing peace. It is my belief, and I think the majority of the members of this committee, that the only way there is ever going to be a resolution to this issue is if the Israelis and the Palestinians directly negotiate with one another and reach an agreement and that anything that they try to impose from the outside in is counterproductive, as we have already seen.

We have seen the comments of the Prime Minister of Israel and his government and their reaction to this, and the United States plays a critical role in that regard. And what this intends to do is to state the position of what I believe is the vast majority of members of the United States Senate in the context of this gathering in Paris that is going to occur, I believe, beginning this Sunday and Monday and hopefully set the tone moving forward.

I honestly believe that we are advancing the cause of peace by hopefully nudging this in a direction that would require the parties to negotiate face-to-face, one-on-one on the terms of any long-term solution to this vexing problem. And I hope that it is viewed in that regard because that is ultimately the goal here.

I am convinced that the Israelis would love to have peace and would love to resolve this issue. So there is a lot of specific language in the Security Council resolution that is troubling to many of us that I think sets back the cause of peace, and that is what this is designed to do.

And Senator Cardin is correct. There are a lot of other things we could have added to this. Up until early this morning, I had people suggesting this language or that language, perhaps things I agree with. But this was not designed to make a point for political purposes. It was designed to try to create a product that the overwhelming majority of Senators were comfortable with, even if it left out things that perhaps some of us would have liked to have seen in it. And so I hope we can get it done today.

The CHAIRMAN. So we have some amendments, and there will be time for people to speak on those, too. I just want to make people aware. We have the Kaine amendment. We have the Udall amendment.

But if there are other people that would wish to speak to this prior to that, please? Yes, sir.

Senator COONS. Briefly, if I might, Mr. Chairman, Ranking Member. First, thank you for a very full, thorough hearing process yesterday and the way in which you both conducted it. Thank you for embracing the fact that my colleague Senator Udall really wanted the opportunity to weigh in on this. Again, from a process perspective, that is important.

I could not agree more with Senators Cardin and Rubio. We are at a very difficult moment in Middle East peace, and I do not think any step that encourages the Palestinians to seek U.N.-directed resolution of what should be resolved through direct negotiations is constructive.

I am a cosponsor of this resolution. I mean no disrespect to Secretary Kerry, whose tireless work to try and advance peace I deeply

respect. I was just uncomfortable with the timing and content of this action at the United Nations and think the initial resolution bared, stripped down, focused just on that issue is what we should adopt.

The CHAIRMAN. And if you remember when Secretary Kerry came to lunch, I do not think they planned to advance anything anyway. I do not think this is actually countering anything that they are going to be attempting to do this weekend.

Any other? Yes, sir. Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman.

I just wanted to address that point for a second. I thank Senator Cardin, Senator Rubio, and Senator Coons for working on this. But you know, the effect of the—relative to the abstention, the effect of the resolution undermined the consistency and continuity of the United States position on an issue at a time when we are changing administrations.

And if you are anywhere else in the world and that vote took place within the context of us changing administrations, it sent some uncertainty in terms of where America really was by the fact that it was cast. So I know that it was only intentioned to have a follow-up surprise, but I think it is very important that we reestablish the fact it is true that we are united in the policy of the United States, and this is the way we get to the solution. We do not want to have any lack of confidence now going back to the U.N.

The CHAIRMAN. Anyone else?

[No response.]

The CHAIRMAN. I will make one last comment then before we move to Senator Kaine's amendment.

I hope this is okay. Senator Cardin and I were coming over here together. We happened to ride the elevator together. And I guess what is concerning us is you are beginning to see a fraying in the support for Israel, and you have got people that are trying to move things on the right, right, right. You have people on the left, left, left that are trying to move things.

And I think one of the things that has caused Israel to be able to function in the way that it has—and look, every friend that we have sometimes does things that, you know, you wish did not happen. But the way they have been able to survive in the region has been because Congress has been so uniformly mostly behind them. And so we are starting to see some forces that would fray that.

I know that Senator Rubio and Cardin tried to craft something that was unifying and, as was mentioned, leave out things that might cause people to be dissuaded from the resolution. But look, this is where we are, and I really appreciate the fact that if a member feels strongly about something, they can voice it. We can deal with it, and again, it just gives me even more respect for the committee process that we have.

So, with that, the Kaine amendment is the first amendment. I do not know if you want to speak to it?

Senator KAINE. Just briefly. Thank you, Mr. Chair.

This is, I believe, a friendly amendment. It is in the seventh paragraph of the "resolved" clause. In the "resolved" clause, we resolve a number of—

The CHAIRMAN. Actually, let me do one thing first.

Senator Kaine. Yes.

The CHAIRMAN. Can we motion it first, and then we will talk to it?

Senator Kaine. Oh, yes. I move the amendment be—

The CHAIRMAN. Is there a second?

[Second.]

The CHAIRMAN. Moved and seconded. Sorry. Go ahead.

Senator Kaine. This would be discussion. The seventh “resolved” talks—basically urges future administrations to take a position vetoing all United Nations Security Council resolutions that seek to do any of three things: one, insert the Council into the peace process; two, recognize unilateral Palestinian actions; or three, dictate terms and timeline for a solution.

We should be vetoing resolutions that recognize unilateral actions. We should be vetoing resolutions that dictate terms and solutions. But the idea of telling all future administrations to veto all resolutions that insert the Security Council into the peace process I think is a bad idea because I could foresee a whole lot of positive Security Council resolutions.

The whole idea of the two-state solution was a U.N. guarantee. There could be a negotiation between the parties that they would want U.N. help in providing security assistance. If there is an intifada and the U.N. Security Council wants to do a resolution saying this is—and, you know, puts the pre-peace process back. I just think we do not know what future involvement of the Security Council will be, and we could exercise at the time the right to veto.

But I do not think we should tell the administration to veto every future involvement of the Security Council. It is something that they have been involved with in the interval since the 1940s. And so I would propose just to drop that one clause.

The CHAIRMAN. We talked about this openly yesterday. I know that I have talked to the sponsors and others. I think we all support the amendment. That does not matter, of course. Everybody has their own view.

But I think that it is an amendment that everyone is in agreement with. And if there is no objection, I would like to have a voice vote on it, if that is okay?

Senator Cardin. No objection.

The CHAIRMAN. Okay. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. It carries. And with that, so it is amended. The resolution is amended.

And we will now move to the Udall amendment.

Senator Udall. Thank you. I move the amendment, Mr. Chairman. And I would move that it be an en bloc amendment, be together.

The CHAIRMAN. Both portions?

Senator Udall. If that is acceptable.

The CHAIRMAN. Is there a second?

[Second.]

Senator Udall. Thank you.

And let me just say to Senator Kaine, I support his amendment. And really, a lot of what I am trying to do in terms of moving this amendment is correct some things that I hope there is some agreement on.

I also, at the beginning, just want to thank everybody. I realize it is an inconvenience to come back, and I very much appreciate the courtesies of the Chairman to come back and consider this. And it is something that I felt strongly about at least putting us on the record in an open session on this.

I also want to say that I really appreciate you, Senator Cardin and Mr. Chairman, in your bipartisanship in the hearing that we had yesterday and making it a true deliberative process. I think you set the tone, and I think it was a very, very good hearing to kind of set the tone as we move forward.

You mentioned, Mr. Chairman, this idea of the strain in the support of Israel. I just want to say at the beginning in offering this amendment that I could not be a stronger supporter of Israel, and I am on the Appropriations Committee. I intend to support Israel's defense, and this amendment should be taken in that light.

I am introducing this amendment as a friend of Israel, as I have said, and I strongly support funding. But I also believe it is important to speak truth to our friends, as Secretary Kerry and others have done on the subject of settlements. This resolution would send the wrong message globally about where we, as a body, stand on this subject, and I believe by doing so, we will do great harm to the cause of the peace and the two-state solution.

To begin with, the assertion that the recent Security Council resolution on two states does not, and I am quoting now from the "whereas" clause, allow "all final status issues toward a two-state solution to be resolved through direct bilateral negotiations between the parties." That, I believe, is objectively and factually false.

The U.N. resolution does not dictate or impose anything whatsoever. It is a nonbinding resolution passed under Chapter VI of the U.N. Charter and expressly reaffirms [inaudible] negotiations on the final status issues. This amendment attempts to correct some problems, as I see, that the resolution as introduced has.

First, the assertion that the Obama administration's decision not to veto the U.N. Security Council Resolution 2334 is inconsistent with longstanding U.S. policy. That is the quote from the resolution that is before us. It is just not accurate and should not be reflected in this resolution.

The U.S. administration from both parties supported or abstained on more than 50 U.N. Security Council resolutions critical of Israel since 1967. So I think there is a factual issue here that is very important.

Second, the resolution's assertion that the U.N. Security Council is one-sided is also not supported by the fact that the U.N. Security Council expressly condemned, and I want to quote here, it expressly condemned "all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction." And called "upon both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations to observe calm and re-

straint and to refrain from provocative actions, incitement, and inflammatory rhetoric.” So I do not think the resolution itself was one-sided, and I think that that statement there shows that.

I am also very concerned that this resolution may be interpreted as a condemnation of President Obama and Secretary Kerry as they end their term. Expressing grave objection to the Security Council resolution, which was not one-sided and which reflected policies toward settlements by multiple administrations, is not the message we should be sending.

And I think all of us know that have served with Secretary Kerry on this committee, he has been a great advocate of Israel. He stood up and he has expressed himself, but he feels very strongly about these issues, as we saw at his farewell lunch.

That being said, I think expressing concern is something that Senators can agree on. Certainly, we do not have to all agree with the abstention or everything in the Security Council resolution.

And finally, in order to assure we are not interpreted as condoning settlement expansion, I think an additional language reaffirming this policy is needed. And without it, I fear we will simply be seen as condoning the expansion of settlements. And so we put one line in that settles that—that deals with the subject issue.

And as I just want to echo again this is offered in the in the vein of supporting Israel and believing by supporting Israel and being factually correct on things is the best way to have all the parties move towards a two-state solution, and they should be negotiating with each other as we move down that road. These bilateral negotiations are very important.

The CHAIRMAN. Before turning to Senator Cardin, I, first of all, thank you for your sincerity, and the first amendment, to me, the reason I do not like it is I really do not think that the U.N. Security Council is a place for this type of agreement, for this type of issue to be worked on. I think it just pushes them further apart.

The second piece does not differentiate on the settlements. I mean, there are settlements in the eastern bloc where Israel is going to expand. It is going to be per any agreements that have been looked at in the past. Those are places where settlements are going to exist.

So for that reason, I oppose your amendments. But I want to thank you again for the sincerity with which you have come forth.

With that, Senator Cardin?

Senator CARDIN. And let me also just join with Senator Corker, to say that Senator Udall and every member of this committee, this committee has demonstrated, and each member of this committee has demonstrated, the understanding of the importance of the strategic partnership with Israel to the United States.

And you have demonstrated through your work on this committee, on numerous actions that we have taken, the questions that you have asked during not only public sessions, but in private sessions; that it is the United States Congress; it is the Senate, the Senate Foreign Relations Committee; it is the members of this committee that have been responsible for maintaining that strong commitment to our most important ally in the Middle East. So that is not at all in question here; we simply have different views on this amendment.

I oppose the amendment for many reasons, but when, Senator Udall, you say it does not change U.S. policy, look at the world reaction to what happened in the United Nations Security Council. First of all, the immediate reaction was applause by the Security Council, which is something that is pretty offensive, by the way, because they do not do that when passing resolutions.

This was looked at as a major shift of the U.S. position, and that is why we were very concerned by what happened. Now you then indicate you want to have the parties negotiate, but you really make it much more challenging. The Palestinians look at what is in the Security Council resolution as the first step to the Palestinians being able to use the United Nations to determine borders rather than the direct negotiation of borders. That is disastrous. That is disastrous.

And the Palestinians will use the United Nations and its institutions to carry that out. We have already seen them try to do it in many different ways. This resolution gives them additional strength in order to do that.

And the last point I would make is when you changed the language to say “expresses concern” with United Nations Security Council Resolution 2334—that language supports the abstention. That is why the United States abstained. They had concerns about it. If you disagree and believe that that resolution should have been vetoed, your amendment is inconsistent with that.

And I repeat what I said originally. What we attempted to do here in a nonpersonal way is to stress our views, as I think this committee has the expertise to do, as to the consequences of what happened in the United Nations Security Council.

And as well-intended as this amendment is, I would urge my colleagues to vote no.

Senator RUBIO. If I may?

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman.

The United States has actually repeatedly vetoed resolutions that sought to dictate final status terms. In particular, if you look at what the Security Council resolution states, this quotes from it. It “underlines that it will not recognize any changes to the 4th—January 4, 1967 lines, including with regards to Jerusalem, other than those agreed by the parties through negotiations.”

What that implicitly accepts is the narrative that the Jewish Quarter and the Western Wall are occupied territories. And that is one of the reasons why this was viewed as a major change in the American position towards these sorts of things.

And so, in the end, I have no doubt about your sincerity and your views about what you are offering, but the amendments you are offering go literally to the very heart of the purpose of this resolution to begin with. And if they were to be adopted, I think, render what we are trying to do here meaningless in terms of the point we are trying to drive.

And so I would urge, you know, my colleagues to oppose both amendments.

The CHAIRMAN. Senator Murphy.

Senator MURPHY. Thank you, Mr. Chairman.

I want to thank Senator Udall for offering this. I make no secret of my belief this was a mistake, that the United States position should be to hold Israel harmless in a forum that is fundamentally unfair. And yet I am going to support Senator Udall's amendment because of the language that it retains, the first line of this resolution still is objecting to the United States—United Nations Security Council Resolution 2334.

It still retains the language discussed by Senator Kaine that encourages future presidential administrations to veto any actions that set final terms, which I think speaks to Senator Cardin's point. And I would agree that the language in Senator Udall's amendment on settlements probably could be more refined, but I think it generally restates what has been the U.S. policy under both Presidents. I think people will generally understand it as such.

So I think this is an incredibly important resolution. I am going to support it. And again, it is in my mind this amendment makes it better, and I do not necessarily believe it has the gravity of amendments suggested by some of the sponsors. So I thank Senator Udall for offering it.

The CHAIRMAN. Thank you.

Senator Menendez.

Senator MENENDEZ. Mr. Chairman, I have deep respect for my colleague and his views, but I must say that I totally reject the resolution that was brought at the United Nations. Of 23 paragraphs that the resolution speaks to, there is one that speaks to the Palestinian Authority, specifically about its security forces having to maintain effective efforts against violence and terrorism. The rest of it is about Israel.

The rest of it is about Israel. I do not consider that balanced. I do not consider that balanced.

Secondly, in 25 years between the House and Senate Foreign Relations Committee, I have never seen the Security Council erupt in applause, erupt in applause over any action, including actions that should be far more consequential than this one. And so I have to say from my own view, and it is only my own view, that this is an institution that is largely anti-Semitic, from my view, by their actions. And I do not want to play into that.

And I really think that if the intended goal was to try to get the parties to negotiate to a two-state solution, I think that the actual actions that took place with the United States moved them further apart. They emboldened those who are the hard-core right on settlements in Israel, and they emboldened the Palestinians to believe that, you know what, if I can get somewhere else, i.e., the United Nations and international institutions, what I want, why should I sit and negotiate?

So I think it did contra. I think it did damage, from my perspective, as it relates to the efforts towards a two-state solution, which I still support.

So for all of those reasons, I do not seek to amend. I do not question anybody's good intention, but I do not seek to amend the resolution as from where it is.

And I think it is incredibly important on the verge of the Paris negotiations, and while we heard Secretary Kerry here in the

luncheon say there will be no further actions, you know what? The world is an unsettled place, and I am not about to take a risk that there will be an imposition from other powers upon something that when we impose settlements, at the end of the day, they never work.

Whether it was peace and justice in Northern Ireland or whether it is in other places, only when the parties come together and agree, ultimately can it succeed. And so I think having our voice heard and heard strongly at this time is incredibly important.

The CHAIRMAN. Thank you.

Senator Shaheen.

Senator SHAHEEN. Well, I do not disagree with what you said, Bob, and I share the concerns that have been expressed by everyone with respect to our abstention from the U.N. resolution. But the question that I have got is whether the language that Tom—the language of the resolution and the language that Tom is trying to take out of the resolution is really an effort to signal a different policy than we have had with respect to some of these issues, and is this an effort to go back at the Obama administration for the action that they took?

Or is this really designed to be sort of a neutral or a statement by the Senate, or does it actually move the line on what the U.S. policy has been on some of these issues? Because I agree with Tom that the line about the Obama administration's decision to vote, that first line, "whereas" clause, does not accurately reflect what historically has happened.

And so, you know, I am just trying to get at what the whole motivation is here.

The CHAIRMAN. It would be my observation—maybe I am wrong. I thought we talked a little bit about this before the meeting. But I cannot imagine that President Obama is paying one bit of attention to this resolution nor finds it offensive in any way.

Senator SHAHEEN. Yeah. No, and I am not—I am not so much concerned about the President as I am about a point that Tom was making that this is not factually accurate.

Senator CARDIN. Well, if I may respond? I think it is accurate to the point, as I mentioned earlier, that the action taken here was a deviation from the U.S. position on one-sided resolutions and using the Security Council as a wedge towards tilting the scales of direct negotiations. Not only was it a deviation from that, it was seen by the global community as a shift in U.S. policy.

And it was viewed as a help to the Palestinians, and it has been—and I think Senator Rubio—or Senator Menendez is absolutely right. It has caused a reaction by all sides that make it even more complicated for direct party negotiations, which has always been used.

Senator SHAHEEN. I am not arguing that, Ben.

Senator CARDIN. But—my position is this. We have had a clear policy for a long period of time against one-sided resolutions, and this was clearly, I believe, a one-sided resolution. But more importantly, it was perceived by the parties as tilted towards the Palestinians and it will be used in negotiations.

The CHAIRMAN. If I could just add probably—and we are going to vote on this in a minute. People can express then. But I think

the timing, too. I mean, if you add all of those things, it is a little bit of a shift to have a missile sent out, if you will, in the middle of a transition, when another group is coming in.

So there were many things about this that I think sent a very different signal.

Senator SHAHEEN. I am not arguing the action. I am questioning whether this resolution accurately reflects what American policy has been. I am not arguing we should have not—we should have abstained.

The CHAIRMAN. Senator Coons.

Senator COONS. We are in a very complex environment, a transition from one administration to another, a setting where a lot of [inaudible] are being read by the Palestinians, the Israelis, our allies, our adversaries around the world. I do think it was a strikingly unbalanced resolution adopted by the Security Council.

I am clear—I share Secretary Kerry's deep, understandable, justified frustration at settlement activity and the unwillingness to make some accommodations that would advance peace. But I just do not think—I think this carefully balanced resolution does need that reinserted here. I think demonstrating bipartisanship and moving us forward in a strong vote is ultimately more important. So I am going to vote against this resolution.

And then to the resolution—but that does not mean I am not clear about the enormous challenges that changing circumstances on the ground have created. I just think anything that is encouraging the Palestinians to seek the U.N. as their answer is ultimately the most harmful thing we can be doing in the peace process. So I am going to support it as drafted.

The CHAIRMAN. Any other statements? Yes, sir.

Senator Merkley.

Senator MERKLEY. I share so much of what many have said here. Just a short while ago, Kerry was sitting in this room explaining his concern that the steady addition of new sites, new utilization of sites, infrastructure that was between Palestinians was making it—

VOICE. Can you speak up, please?

Senator MERKLEY [continuing]. Was making it day-by-day or year-by-year more difficult for us to actually have anything that would ever embody a two-state solution. And that if we do not succeed in that, there is going to be a festering sore that will affect the security of Israel through the balance of our lifetimes, and that has reverberations for the security of many nations.

So I feel that what Tom was attempting to do here is appropriate, that we attempt to have an accurate resolution and not have it interpreted as condoning a process that is slowly killing the two-state solution as an enduring resolution off which peace can be based. I will be supporting his amendments.

I also feel that the bulk of this resolution is—I completely support, that the U.N. should not be—I feel even with Tom's changes, it still says that, but I will be supporting it regardless of the outcome of those amendments. But I think we have not wrestled as much as we need to with processes that are slowly degrading the chance for a permanent peaceful resolution of the conflict.

The CHAIRMAN. Very good. Are you all ready to vote?

VOICE. Can I ask, Mr. Chairman—

The CHAIRMAN. I am sorry. Yes, sir.

VOICE [continuing]. For your indulgence?

The one thing I have not heard in the course of this conversation, I had actually—I think it is really important to get the facts straight. Language matters in things like this. So I have not yet heard examples of United States policy, you know, actions, positions taken, votes taken, and Security Council abstentions that have occurred that are reflective of what just happened, you know? Can you cite other instances?

Actually, Secretary of State Kerry did the other day in the course of our lunch. He indicated that both in Republican and Democrat administrations, there were instances, he sort of vaguely said, where the United States had abstained under similar circumstances. My assumption was that we had a number of long-standing members of this committee or those who are familiar with the issue and we just kind of understood what he was talking about.

Can you cite examples where this has occurred? I mean, can we be a little more specific here? And maybe staff can help out?

Senator UDALL. I thank the Senator for the question, and I assumed most of us heard Secretary Kerry's farewell address where he cited specifically on the settlement policy in two different administrations where the United States had disagreed. I have had my staff now research just disagreement with Israel.

VOICE. Yes.

Senator UDALL. And we have—he has a document right here, 50—50 times.

VOICE. Yes.

Senator UDALL. If you want to see it and look at it, that is fine. I do not know that we need to belabor that. I mean, the point here is, as you know, this resolution that we are voting on makes it sound like that we have never taken this position before. And I do not think that that is accurate. I think the fair thing to do is change it so that we reflect U.S. policy.

And then the second thing, Senator, on this point of the resolution before the United Nations was about settlements. We basically do not deal with that issue.

That is why that one sentence that Senator Murphy has said I may not totally reflect what the policy has been, but the U.S. policy over many administrations has been that the settlement policy and the expansion of settlements hurts the ability of the two-state solution. And that is what I am trying to reflect in this one amendment.

The CHAIRMAN. Let me ask you this. Would anybody object to trying to reach consensus on what you are attempting to do?

Could we strike the first part of your first amendment, where it says "Whereas the" I mean, strike the first part of the resolution you are trying to amend. It says, "Whereas, the Obama administration's decision not to veto the U.N. Security Council Resolution 2334 is inconsistent with longstanding U.S. policy."

Could we strike that out of the base text that Rubio and Cardin have offered, but leave in the part that says that it makes direct

negotiations more, not less challenging? Would that accommodate your concerns?

Senator RUBIO. Well, it would be problematic for me.

The CHAIRMAN. Okay.

Senator CARDIN. You would strike the “objecting to” language?

Senator RUBIO. No.

The CHAIRMAN. No.

Senator CARDIN. Oh, I am sorry. Then what did you say?

Senator RUBIO. Can I elaborate why?

The CHAIRMAN. Okay.

Senator RUBIO. First of all, the term here that says “longstanding,” my understanding is that there has not been a vote on the issue of settlements at the Security Council since 1980. So that would be 36 years, which, by my definition, is pretty longstanding. It is almost as old as Cory Gardner and—36 years. So that is a long time.

[Laughter.]

Senator RUBIO. And so that is why the word “longstanding” is there. It did not say the permanent policy or the forever policy of the United States, but it does say longstanding, number one.

Number two, so I just think that is important, and I think it goes back to a point that Senator Cardin raised. And that is the reaction at the Security Council was that this was an unprecedented event. I mean, that is the reaction globally, the reaction of the Security Council. That is the way the Israelis interpreted it.

I mean, there is global acceptance of the fact that what happened there was meaningful because it had not happened in a long time. It was not what people expect from the United States, and this paragraph recognizes that.

And so I just think if we are debating this paragraph and whether it should be in or not, in many ways we are debating the heart of why this is relevant.

The CHAIRMAN. It seems to me that we have got some differences here, and they are probably not going to be resolved. And I appreciate it, these resolutions typically are not taken particularly seriously. I am actually glad we are spending some time on Israeli-Palestinian policy here today, and it may bode well for some future things that we may do.

Did anybody else want to speak to this before we voted?

Senator RUBIO. I just want to clarify, he is 40. He is not 36.

The CHAIRMAN. Okay.

Senator GARDNER. And I would clarify that is younger than Marco Rubio.

[Laughter.]

VOICE. He feels 36.

Senator RUBIO. But he looks older.

The CHAIRMAN. Oh—

[Laughter.]

Senator GARDNER. I am still taller.

The CHAIRMAN. We are going to move into some things that the campaign illuminated.

[Laughter.]

The CHAIRMAN. So do you want a recorded vote?

Senator UDALL. Yes, please , and let me just thank everybody for the debate.

VOICE. Mr. Chairman, I am sorry. I think Senator Rubio—I do not know if you have a response to that. I was tripping over the issue of long term—longstanding, excuse me, as well. I think that Senator Shaheen’s point, I found that resonated with me. But how do you respond to that 36-year measure?

Senator UDALL. Well, I think the best approach is to take that whole paragraph out.

VOICE. I was encouraged by that offer, but I did not know if you had a response to Senator Rubio’s --

Senator UDALL. I would stick with my resolution.

The CHAIRMAN. Okay. That is fine.

So all in favor of the Udall amendments en bloc? I guess we need to record this. So, if the clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Flake?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Gardner?

Senator GARDNER. No.

The CLERK. Mr. Young?

Senator YOUNG. No.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Portman?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Paul?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Yes.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. Yes.

The CLERK. Mr. Murphy?

Senator MURPHY. Yes.

The CLERK. Mr. Kaine?

Senator KAIN. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No. The clerk will report.

The CLERK. Mr. Chairman, the noes are 14; the yeas are 7.

The CHAIRMAN. Thank you.

Before we move to final passage, we are going to have Nikki Haley in on the 18th, and I appreciate the minority accommodating that. I hope that we will use it not just as a time to interrogate her and understand, you know, what her views are and what she is going to be doing, but as somewhat of a proxy on just this whole U.N. process itself.

The thing that is offensive to me, you have 500,000 people dead in Syria. The U.N. Security Council cannot deal with it. We have got violations of the Iranian agreement, and the U.N. Security Council cannot deal with it. We have land being taken in South China Sea. The U.N. Security Council cannot deal with it. We have Russia taking pieces of Ukraine. The U.N. Security Council—and yet this, with applause, is what the U.N. Security Council deals with.

I think we have got major issues with this institution, and I know there has always been a little bit of a push on the right more so than the left. I hope that what we can do during this hearing is begin to think about ways we can cause the U.N. Security Council to actually function on issues that matter greatly to humanity.

I just do not see it happening now, and what has happened is the major players there—this was set up post World War II. The major players on the Security Council was supposed to be the keepers of peace, and they are the very people that are breaking down, you know, and creating the chaos in the world.

So, with that—

Senator CARDIN. If I could just—I know we are going to do a roll call. I think that is a very important point. Mr. Chairman, you are exactly right on our need to explore what the United Nations will be like moving forward.

In regards to Nikki Haley, she, if confirmed, will be our Ambassador. So I guess I am more interested as to how she will approach some of these issues and her qualifications.

And I hope we do not get into a situation in which we are asking do you support the United Nations or oppose the United Nations because I want our Ambassador to be someone who believes in the United Nations, who wants to see the United States relevant to need.

So let us hope we can have a positive discussion.

I really do think we need to get a better understanding about the United Nations, whether we do it here or we go up to New York. I think this committee really needs to delve into some of the subjects that you have talked about.

I am not sure, at least initially, these should be public hearings. I think there is a thirst for us to figure out how we can be relevant to how the United Nations responds to the challenges around the world because we have the same frustrations you have.

The CHAIRMAN. If there are no other comments, then we will be voting on the resolution, as amended. Do you want to—do you all want a voice vote? Is that okay?

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. The ayes have it. The resolution passes out of committee as amended.

I thank everybody—

Senator Kaine. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator Kaine. I was hoping you would invoke longstanding practice of the Senate Foreign Relations Committee to dock \$500 from one of our new members for insufficient apparel.

[Laughter.]

VOICE. Tim, are you referring to the lack of a ruffled shirt?

[Laughter.]

The CHAIRMAN. Hey, listen. We are just glad that he wore a shirt.

[Laughter.]

The CHAIRMAN. The meeting is adjourned. Thank you.

[Whereupon, the meeting was adjourned.]

## **BUSINESS MEETING**

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**MONDAY, JANUARY 23, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 4:33 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Paul, Cardin, Menendez, Shaheen, Coons, Udall, Kaine, Markey, and Merkley.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The Foreign Relations business meeting will come to order.

I know we have a lot of people that are interested here, and we thank you for coming. And if you would, we all consider it a huge privilege to play the roles that we play on behalf of our country and our States. And it is a privilege for all of us to participate in democracy in this way, and I hope everyone will keep their thoughts to themselves in the audience. But we thank you so much for being here today and being a part of this. We really do.

The confirmation of Secretary of State is always one of this committee's most important responsibilities. At the core of the nomination process is the question of whether the nominee is qualified to undertake the duties for which he or she is nominated.

I personally have no doubt that Rex Tillerson is well qualified. He has managed the world's eighth-largest company by revenue, with over 75,000 employees. Diplomacy has been a critical component of his positions in the past, and he has shown himself to be an exceptionally able and successful negotiator who has maintained deep relationships around the world.

The other absolute standard we apply to each of these nominees who come before us is to ensure that they have no conflicts of interest related to their position. The nonpartisan Director of Office of Government Ethics recently stated that Mr. Tillerson is making a clean break from Exxon and is free of these conflicts.

He has even gone so far to say that Tillerson's ethics agreement "serves as a sterling model for what we would like to see with other nominees. He clearly recognizes that public service sometimes comes at a cost."

I believe inquiries into Mr. Tillerson's nomination have been fair and exhaustive. His hearing lasted over eight hours, and he has re-

sponded to over one thousand questions for the record. I am proud of the bipartisan process, which is keeping in the tradition of this committee, that we pursued regarding his nomination. And I think that while our opinions and votes today may differ, that the process has been very sound.

With that, I would like to recognize the distinguished ranking member for his comments. Senator Cardin?

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, Mr. Chairman, as I have said during the hearings, and I repeat again, I want to thank you for the fairness in which you have allowed these confirmation hearings to go forward, and the ability of our members to be able to question Mr. Tillerson and to ask additional questions. And I thank you for your fairness, including the ability we had to schedule today's business session.

A couple of preliminaries, if I might? First, I just want the record to note that there are severe weather conditions throughout the country, which are preventing some of our members from personally being here. For example, Senator Murphy had planned to be here by now. His flight was canceled. He is on a train heading towards Washington, as we speak, and will not be able to get here for a couple more hours.

So I just really want to point out that we have members who wanted to be physically present, but because of the weather conditions, they are not going to be able to. And we are trying to work out accommodations in our committee where we can keep, I hope, the record open so that they can change their proxy vote to their vote in person later on, as long as they get here by this evening.

A couple other points I want to bring out, and one is that there was just an honest disagreement between the Chairman and the ranking member as to whether a nominee for Secretary of State, and, I would also add, for U.N. Ambassador, should be required to make available to our committee 3-years of tax returns. They have all agreed to make them available. The question is whether we should ask them to see those tax returns.

And I accept that there is a different view between the Chairman and the ranking member on this issue, and the precedent of our committee in the past is not to physically request those tax returns. And Mr. Chairman, I respect that and agree that this should be done in regular order, and I will just ask that, at a time when it is appropriate, we look at our rules as to whether we should be requiring, moving forward beyond Mr. Tillerson, beyond Governor Haley, in the future, if there would be a vacancy in Secretary of State or United Nations Ambassador, whether there should be an ability for us to ask for those tax returns moving forward.

And I would ask that that opportunity be given to us to take it up as a committee as to whether that is the appropriate way or not.

And then I must tell you that members of this committee have asked questions for the record of Mr. Tillerson, and I have looked at some of those responses. And they are not responsive to the questions that were asked. Now in some cases, it is challenging

when you have a change in administration, and there is not a clarity as to what the President is looking for on foreign policy, so to get a nominee to give us a clear answer to those questions can be difficult. In other cases, the information requested was pretty straightforward.

So we are not asking for any delay in today's vote, but I would ask—and there is no need to respond right now—that we will have a chance before this nominee's vote is on the floor of the United States Senate to try to get further clarification of those answers.

And I am going to work with the Chairman because these requests, I think, are reasonable. I think the Chairman will agree with us. We are going to try to work that out so that we can get those answers before the vote on the floor, and in that case, I think we could shorten the time period on the floor for the consideration. Otherwise, it may take a little bit longer because we may want to go into some of those issues on the floor of the Senate.

So having said all that, let me proceed with the merits of Mr. Tillerson and the nomination of Mr. Tillerson. Mr. Tillerson is certainly sincere in wanting to serve his country, and that I very much admire. He is certainly a very talented individual who has negotiating skills that are important for a person who would become Secretary of State, and I acknowledge that.

He also indicated during the hearing a couple points I thought was useful: that the United States should be at the table during the climate debates, and that it would be important to comply with our current laws as it relates to Magnitsky.

But what gives me the greatest concern and the reason that I cannot support him, his nomination for Secretary of State, is that his responses to the questions that we asked him directly about, such as his support for sanctions or how he would evaluate sanctions moving forward or how he would deal with contingencies on development assistance as it relates to human rights and good governance, were qualified so many times that he sounded like a business person rather than a person who wanted to be Secretary of State.

And I did not see that commitment to be the advocate globally for human rights and good governance that I would like to see in the Secretary of State. So that was, I think, the greatest concern I have.

And when I make it specific to Russia, the questions that were asked about how he would continue sanctions against Russia and support bipartisan legislation that would strengthen those sanctions, I did not get a comfort level that it would be based upon Russia's conduct against the United States, their attacks against us and the fact that they are still violating Ukraine's sovereignty. It seemed like he was wanting to consider other issues that may compromise U.S. global leadership in standing up to Russia. That concerned me.

And when you put on top of that the clarity issues, and I think this was a very important point, and I contrast that to Governor Haley's response on questions such as Russia's participation in atrocities in Syria. When we asked whether that would be elevated to war crimes, Mr. Tillerson was not clear at all. Governor Haley was very clear about that.

Or when I asked Mr. Tillerson about the conduct of the president of the Philippines in extrajudicial killings, which was pretty clear, and he would not characterize that as gross violations of human rights. That did cause me serious concern.

So let me just amplify that a little bit further in another question that was asked. Mr. Tillerson responded to a question in regards to opening up business relationships with Cuba, and stated that that would be helping to finance a repressive regime. And he was pretty clear about his concerns about business with Cuba being supportive of a repressive regime, but he showed no sensitivity that ExxonMobil's business interests in Russia was helping to finance the Putin regime or other repressive regimes.

And one last point on this issue concerning Russia, which had me concerned about Mr. Tillerson: is his potential conflicts. He indicated that he would recuse himself in dealing with anything concerning ExxonMobil for a 1-year period, and he would consider going beyond that if the ethics officer said that legally there was a problem.

Well, quite frankly, I think there is a problem with Mr. Tillerson dealing with anything involving ExxonMobil for the entire time that he would be in public service as Secretary of State, and he was not clear at all about recusing himself beyond that 1-year period. So, Mr. Chairman, for all those reasons, I will not support his nomination.

I want to mention one last point, if I might? And that is that the Secretary of State is our principal soft power leader in this country. On several of the questions we asked him about current world events, he was quick to point out that he would recommend the use of the military, of additional force, rather than leading with diplomacy.

The one example was in the South China Sea, where he said we should be more, I guess, military. Whereas, in my view, the Secretary of State should be leading with more diplomacy. And I found it disturbing that that seemed to be not his first reaction, and we certainly would want him to do that as Secretary of State.

But for all those reasons, I will be voting against Mr. Tillerson's confirmation.

The CHAIRMAN. I wonder if we could do this. We have a number of members here that have other things to do. I am willing to stay and keep the record open for people to speak, and I am going to stay here so that people who are coming in late can vote in person and not by proxy, okay? I am more than glad to do that at least until 5:15 p.m., to make sure that people are just not voting by proxy.

I wonder if there would be any objection to us voting and letting those who do not want to stay and make comments leave. Others will be coming in. We are going to keep the vote open. But those who wish to make comments could then stay. Others who do not wish to make comments could go ahead and leave.

Is there any objection to that?

Senator CARDIN. I do not know if some of my members would like to make their comments before the vote is open, if members have that right to do that. I think Senator Menendez would. Is

there any other member who wants to be heard before we start the vote?

I would ask that Senator Menendez be—

The CHAIRMAN. Okay. Let me just say one other thing.

Senator CARDIN [continuing]. And Senator Markey.

The CHAIRMAN. Okay. Are you sure we cannot have a rolling vote, where those who do not wish to necessarily hear the comments could go ahead and vote and leave? Is there any real objection on that?

Senator MENENDEZ. I regret that they do not want to hear the comments, Mr. Chairman. But I would like to have my reasons before I vote, not in the aftermath of a vote.

The CHAIRMAN. Okay. I apologize to the other members who are here and ready to vote.

Let me just, if I could, we are accommodating folks who are traveling, and we are glad to do so. If we could keep our comments brief, and then if you want to expand further after people have voted, that would be great.

I would like to say that what we are doing as it relates to tax returns is exactly what we are doing—what we have done for 10 years on this committee. Ten years. So we treated Secretary Kerry, Secretary Clinton exactly in the same fashion.

I just know that, you know, we did the nuclear option. So now, all of a sudden, it just takes 51 votes for conformation. That was a big mistake, I think. But that is the way things are now, and so now we are looking at changing the rules of tax returns at some point. I hope that does not happen because, again, most of those are used for “gotcha” questions. They have nothing to do with service.

I hope we can talk about that some, but please this nominee and the one we will deal with tomorrow, we dealt with exactly the same way we have dealt on this committee for ten years.

And just because we were so overly helpful to the Obama administration in getting nominees out does not mean I want to be unhelpful or treat our nominees, these nominees who are coming in in a different fashion. So I would just like to get that straight.

And what Mr. Tillerson said was he would be glad to provide tax information regarding the three years. But the kind of questions that have been asked, I will accommodate some additional questions being asked, but asking about cutting horses on his ranch is a ridiculous question.

So I do not know what has happened all of a sudden in this committee, where we are asking silly, silly, silly, ridiculous, elementary questions that have nothing to do with somebody serving as Secretary of State. But I am willing to accommodate some of that.

With that, Senator Menendez?

Senator CARDIN. Mr. Chairman, I must interrupt. Just for one moment, I must. In that we have accommodated at the first available times the hearings and the voting sessions for Mr. Tillerson. As I think the Chairman is aware, we could have demanded the 5 business days before a nominee could be considered, which means Mr. Tillerson could not be considered yet.

So I just really want to—

The CHAIRMAN. Yes, I got it.

Senator CARDIN [continuing]. Acknowledge that. Secondly, I assure you that the questions that I am asking are not silly questions. But let me go beyond that. I do not think it is up to either the Chairman or the ranking member to take away a prerogative of any member of this committee—

The CHAIRMAN. And nobody has. Nobody has.

Senator CARDIN [continuing]. To ask the questions that they want to ask. There has been a history. You go back to the record of this committee, each member has a right to ask the questions they want to without us—

The CHAIRMAN. And we are going to accommodate the answering of those questions to the extent we can, and we always have and had three rounds of questions here.

With that, actually, is there any Republican that needs to speak? That is the order we would be going in.

[No response.]

The CHAIRMAN. Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Just a quick comment, I think Senator Cardin's remarks were that we were looking to do this prospectively so that there is no issue of looking at it as it relates to these nominees and that being unfair. I do think that when you have very large holdings that can affect your judgment if you are in the position in futuro, that it is of importance to this committee and to the Senate to know that and to use it as an additional judgment.

So I am totally in favor. As a matter of fact, the reason the rules actually preview and ask the question "Are you willing to submit information?" must be because that is a predicate to when there is a necessity to call upon for the information. So I hope we can do that prospectively. So this way, it not a question of—it is not seen as a partisan view.

But let me go to Mr. Tillerson's—and I will be concise, but I do want to say a few things. First of all, after considering his nomination to be Secretary of State, I will be casting my vote against him today.

For the 11 years that I have served on the Senate Foreign Relations Committee, I have taken the role of advice and consent of State Department nominees seriously. And while considering hundreds of nominations for both Democratic and Republican administrations, even where I disagreed with the nominee's views, especially when they were just espousing the views of an administration, I have often supported them if the other qualifications of the position I considered important were met.

I respect Mr. Tillerson's experience and willingness to serve his country. But after our private meeting and lengthy public confirmation process, I remain deeply troubled by a number of Mr. Tillerson's responses and beliefs. I am not convinced that Mr. Tillerson shares a world view that the United States foreign policy must be rooted in the values that strengthen us as a nation—championing democracy, upholding the rule of law, protecting human rights.

And as I said during his hearing, business deal making is not diplomacy. And I remain doubtful that Mr. Tillerson would fully embrace a wide-ranging policy to strengthen our alliances and forth-

rightly confront our adversaries. It is not the type of moral clarity I would have liked to have heard him espouse.

Additionally, I believe Mr. Tillerson was not entirely forthcoming in his response to my questions about both his personal and ExxonMobil's lobbying against sanctions, one of the most powerful tools in our arsenal of peaceful diplomatic levers and many of which I have personally written. If I am charged with a responsibility to advise and consent, if I am to vote affirmatively for a nominee, I need honest and transparent answers. I simply do not feel I got them from Mr. Tillerson on these questions.

Finally, as I said at the hearing, at a time when Russia's continuing aggression around the world and interference in our election must be at the top of America's diplomatic agenda and our chief concern to our Secretary of State, it is incredibly troublesome that Mr. Tillerson and President Trump had not even discussed the specifics of their Russia policy. I do not know how you choose to accept the position of Secretary of State when you do not have a global discussion. And if you did have a discussion, you do not even talk about Russia between what is happening in Ukraine, Aleppo, and in our own elections.

So I believe Mr. Tillerson proved he lacks the sufficient knowledge or regard for the norms and necessities that so much of our modern diplomatic and security efforts depend upon, and I believe the American people deserve a chief diplomat to fully advocate for the interests and national security of all. I just did not get that from the process of this confirmation, and so, therefore, I will be voting no.

Senator CARDIN. I think Markey wanted to be heard.

The CHAIRMAN. I think Senator Markey was the only other one.

Senator MARKEY. Thank you, Mr. Chairman.

And I just want to follow up on what Senator Cardin made reference to. In my repeated questioning of Mr. Tillerson with regard to his holdings on ExxonMobil, not personally, but the holdings of ExxonMobil inside of the country of Russia, he refused to commit to recusing himself from all matters related to ExxonMobil for the duration of the time that he would be Secretary of State.

At the time at which Mr. Tillerson took over as CEO of ExxonMobil, they had very small holdings in Russia. Today, ExxonMobil holds an area that is the size of Wyoming for drilling purposes inside of Russia. That is, for my purpose, a fundamental conflict of interest.

I would feel a lot more comfortable if Mr. Tillerson would agree to recuse himself from any matter related to ExxonMobil for the duration of his time as Secretary of State. He has refused to do so.

During his time as CEO of ExxonMobil, the company opposed the sanctions on Russia that would hamper the business activity of ExxonMobil inside of that country. So I just think it is fundamental that Mr. Tillerson just recuse himself from any of those issues because the American people have a right to know that it is their interests and not ExxonMobil's interests that are going to be advanced by these huge decisions which are going to be made over the next several years at the State Department and in the White House.

And for that reason, I cast—I will cast a no vote on his nomination.

The CHAIRMAN. Thank you. And I am more than glad to stay here and keep the meeting open for other comments as a courtesy to members who have other business.

The motion before us, I will ask a roll call vote for Rex Tillerson to be Secretary of State. The vote will be to report the nomination favorably. If the clerk will call the roll?

Senator CARDIN. And Mr. Chairman, so understand, I will be casting some proxy votes, but the members, when they come --

The CHAIRMAN. That is right.

Senator CARDIN. —they will be able to replace the proxy.

The CHAIRMAN. That is exactly right. And you know, we will keep it open, let us say, instead of 5:15 p.m. until 5:30 p.m.

Senator CARDIN. Well, if possible, I would ask, particularly in Senator Murphy's case, that he be—if he is here later tonight, that he be able to replace his vote to be in person, if that would be possible?

The CHAIRMAN. We will attempt to figure out a way to accommodate that short of me sitting here until 8:00 p.m. by myself.

Senator CARDIN. Okay.

The CHAIRMAN. Thank you all very much for cooperating in this manner.

If the clerk will call the roll?

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Yes.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

The CHAIRMAN. He will be here shortly.

The CLERK. Mr. Paul?

The CHAIRMAN. He will be back shortly.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator CARDIN. No, by proxy.

The CLERK. Mr. Kaine?

Senator CARDIN. No, by proxy.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator CARDIN. No, by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. So now we are going to hold it open.

Senator CARDIN. And I would just ask consent that the roll call be held open.

The CHAIRMAN. And we will, as members do come in and want to vote, we will stop the speaking to allow them to do so.

Thank you. It is a little bit of a departure than—the vote—count than things have been in the past on nominations like this, but I certainly respect everyone's ability to cast votes in the manner they wish.

Does anyone wish now to speak? Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman.

Let me begin by saying that I believe that all Presidents, especially a new one, are entitled to a significant amount of deference on their Cabinet appointments. I think this is a tradition that is evidenced by the fact that I believe in the 240-year history of the republic, we have only had 9 Cabinet nominees that have been voted down by the full Senate.

But I also want to add that given how much uncertainty currently exists regarding the future direction of our Nation's foreign policy, this nomination deserved a higher level of scrutiny than tradition otherwise would indicate, and that is in the spirit of which I entered into these deliberations.

As you have already said that Mr. Tillerson testified for over 8 hours, I spent about 4 or 5 weeks prior to this hearing researching and preparing for it. I have had the opportunity to have two extensive conversations with him. He has also responded to over 100 written questions, and for the record, none were about horses.

The CHAIRMAN. Thank you for that.

Senator RUBIO. But, and a couple things I would say. The first is on the fundamental question of whether he is qualified to be Secretary of State, I believe that he is. He has a proven record of managing a large and complex organization, and he has extensive experience, international commerce.

The one I struggled with was I strongly believe that our foreign policy is at its best and at its most effective when it is grounded in the moral principles and values at the core of our Nation's birth, the defense of the God-given rights of all people to life and to liberty and to pursue happiness. And so, for me, this was not simply a focus on Russia, which gets all the attention, although it is certainly a factor in it.

My fundamental concern that I grappled with is that in the face of these calls that we have to move our foreign policy into the direction of what I believe is a sort of hyperrealism, my concern was

that Mr. Tillerson would be an advocate for and would pursue a foreign policy of deal making at the expense of traditional alliances and at the expense of the defense of human rights and of democracy.

I want to say for the record that in my interactions with him and with the new administration, they exhibited a high level of professionalism and responsiveness, and I think that is important to point out. And that I was pleased on a number of fronts, both with his answers and some with his clarifications.

There are other fronts, however, other questions where I remain troubled, and I found it necessary to balance the answers that I was troubled by with at least four separate factors. The first, of course, is his track record of leadership that I have outlined. The second was things like his support of NATO, his recognition that Russia's claims on Crimea are illegitimate, his commitment to the Asia-Pacific defense commitments that we have, his answers on Cuba—a particular concern to some of us—and his support of defensive armaments for Ukraine.

I also balance it with a belief, as I have already stated, that the President deserves the chance to succeed and, therefore, should be given significant deference in choosing Cabinet officials. And one additional point, which I think really came to light over the last 72 hours or week for me, is the fact that given the extraordinary amount of uncertainty and anxiety that exists both here at home and abroad about the direction of our Nation's foreign policy, I concluded that it would not be good for our country to unnecessarily delay or create unwarranted political controversy over this particular nomination.

And I want to—and I said this to you earlier, Mr. Chairman, and you were, I think, in agreement, that as this committee moves forward with other appointments to critical posts in the Department of State, they will not be entitled nor receive from me the same level of deference that I have applied in this particular case.

And so that is why on this nomination I have voted to today to confirm Mr. Tillerson and will do again in the full Senate. But as I informed him today in our conversation, I stand ready to help him succeed. I hope he does become the best Secretary of State our Nation has ever had, but I also intend to hold him and, more broadly, the Department of State accountable on the issues that I have stated here today and that I remain concerned about.

So I thank you, Mr. Chairman.

The CHAIRMAN. Well, I thank you, and I appreciated the call this morning and the thoughtfulness that went into making the decision. And I heard loud and clear that for other positions where you feel there is maybe a lack of clarity on these issues, you might not be quite as forgiving, if you will.

Senator SHAHEEN. Mr. Chairman.

The CHAIRMAN. Senator Shaheen.

Senator SHAHEEN. I have a statement that I would like to submit for the record. But I also have a few comments that I would like to make.

I think one of the things—I appreciate the concern you are raising about the polarization on the committee about this nominee.

The CHAIRMAN. Yes.

Senator SHAHEEN. And for me, one of the things that made that so hard was the fact that Rex Tillerson, unlike previous Secretaries of State in my memory—whether it is Hillary Clinton or John Kerry or Jim Baker, Madeleine Albright, Colin Powell, Condoleezza Rice—they all have a record in the public domain of positions they have taken and actions they have made on behalf of foreign policy issues that I could go to and say this is how I think they might react in a given situation.

We did not have that with Mr. Tillerson, and for me, that was one of the difficult things in trying to evaluate the kind of leader that I thought he would be. And now I have to say after my meeting with him, I was inclined to view his nomination favorably. But I was very troubled by many of his responses in the hearing.

I was reassured by what he had to say about NATO and international institutions, but very troubled, as Senator Rubio just commented, about his responses on human rights abuses and on his unwillingness to acknowledge that it is important for us to sanction Russia. And I know the view of this committee is that we need to take strong action against Russia when they violate international norms, and so I hope that he and the administration hear that loud and clear.

I appreciated his support for women's economic empowerment and hope that as an engineer, he will look at the data when it comes to providing support for women's programs and particularly for things like family planning, which we know has a very significant impact in improving the lives of women and families and communities.

I was concerned, as Senator Markey said, about his lack of forthrightness, as I saw it, on Exxon's dealings around lobbying and sanctions and also his unwillingness to commit clearly on the importance of acting to address climate change. So there were some other issues that my remarks, my written remarks address. But in the end, I just had too many concerns and questions about the kind of leadership he would provide at the State Department to feel comfortable with voting for him.

Now, that said, I hope he is successful because it is in all of our interests that our diplomatic efforts, our foreign policy is successful, and that this country is successful. So I hope to work closely with him and with the State Department, as we have since I have been on this committee, and I look forward to doing that and hope that he will prove me wrong in some of my concerns.

Thank you.

[The prepared statement of Senator Shaheen follows:]

SENATOR SHAHEEN'S STATEMENT FOR THE RECORD

Mr. Chairman, Ranking Member Cardin, I appreciate Mr. Tillerson's willingness to serve our country. He does not need this job, and his interest in working to advance the national security of the American people is admirable.

I welcome the strong assurances Mr. Tillerson gave me about his commitment to the Transatlantic alliance and particularly NATO. I intend to hold the Trump administration to those commitments.

I also appreciate Mr. Tillerson's sincere support for programs to strengthen women's economic empowerment and political participation and to combat gender-based violence. If confirmed, I look forward to working with him and others on this committee to advance a broad agenda that benefits women and girls worldwide.

However, I was disappointed by Mr. Tillerson's equivocation on the importance of reproductive health and family planning to this agenda. Mr. Tillerson describes himself as an engineer who seeks the facts and follows where they lead; I hope he will let himself be convinced by the forceful, data-driven arguments for this assistance.

I also remain troubled by Mr. Tillerson's aversion to imposing additional sanctions on Russia and his evasions on questions about clear abuses of fundamental human rights. I know there is broad bipartisan backing on this committee for a firmer approach to Russia and for a foreign policy that stands up for America's values. I hope that Mr. Tillerson and the new administration have received that message loud and clear.

Finally, I wish Mr. Tillerson had clearly committed to supporting the Paris Climate Agreement, which I believe is an essential step by the nations of the world to address the global threat of climate change.

In the end, I simply have too many concerns and outstanding questions about Mr. Tillerson's positions, and particularly how they relate to President Trump's, to support him now. I anticipate that he will be confirmed, and in that case I sincerely hope these concerns prove misplaced.

The CHAIRMAN. Well, thank you. And I know you all had a good meeting and had talked with you a little bit about that and him.

Mr. Tillerson is an engineer, and I think he probably does not know the person he is getting ready to work for very well, and matter of fact, I would guess they probably spent under a couple of hours together. And sometimes people are a little—a little reticent to get out over their skis, if you will, when they do not really know the person that they are getting ready to work for.

But I know you had a very good private meeting, as did I, and I think most people on the committee. With that, do you want to record your vote?

Senator PAUL. Mr. Chairman, I would like to be recorded as a yes.

The CHAIRMAN. Thank you, sir. Thank you so much for coming back.

Anyone else over here would like to make any comments?

Over here—Senator Merkley.

Senator MERKLEY. Thank you, Mr. Chairman.

I would like to echo some of the thoughts my colleagues have expressed, that there were a series of positions that came up in the hearing that bothered me a great deal. Certainly, Enron's background in lobbying against the sanctions on Russia was one of them.

Senator SHAHEEN. Exxon.

Senator MERKLEY. But another—

Senator SHAHEEN. Exxon.

Senator MERKLEY [continuing]. I am sorry. Exxon, not Enron. Thank you.

Also very concerned about the subsidiary that Exxon set up to bypass our sanctions on Iran. We need a Secretary of State who is clear about the role of U.S. foreign policy. And when I asked him how he would respond if other companies did that when he was leading as Secretary of State, he did not give a clear answer that he would work to have those companies abide and support the causes that American policymakers were pursuing with those sanctions.

I am also concerned about the statements and how he responded to the questions about the extrajudicial killings in the Philippines, his company's payments to the personal family of president or dictator for life in Equatorial Guinea, and his response to Russia's ac-

tions in Syria and the bombing of Aleppo. And all of these things added up, I thought, to representing answers that you might expect from someone wearing their company hat, but not someone setting forth a moral compass for American leadership in the world.

And that is the foundation on which I opposed him.

Thank you.

The CHAIRMAN. Thank you.

And if I could, I am not taking anyone to raise here, but I think the question about the sanctions—what he tried to clarify is he did not lobby against sanctions. He lobbied to try to make the equivalency between what we were doing here in the United States and what was happening in Europe to be more synchronized because the European companies had advantages based on the way the sanctions were put in place because they were grandfathered in as far as their activities. Whereas, that was not the case with the U.S. sanctions.

So that was a clarification that I think he tried to make over and over in the committee.

Anyone else wishing to speak?

Senator Coons.

Senator COONS. Thank you, Mr. Chairman.

This was not a decision I made lightly. I have come to respect Mr. Tillerson's significant experience and broad role in business leadership over a lengthy public hearing and two very constructive private meetings, and I concluded he was a thoughtful and seasoned professional whose impressive business experience would actually serve him well in this role.

I was encouraged by a number of his public stances, as some of my colleagues have said. His support for the NATO alliance, his respect for our leadership in multilateral initiatives, and in particular, in my case, his support for development programs, especially in Africa. But as I remarked both publicly and to him, the transition from being CEO of Exxon to Secretary of State, given he has no previous public record, is a significant leap and one where I have heard overwhelming input from my constituents about their view of his potentially troubling ties to Vladimir Putin and to Russia, given how pressing that issue is for us in our foreign policy right now.

His views do differ from mine in a few significant ways. I do view climate change as a pressing national security threat, and I do think that some of our core values in human rights, free press, and promotion of democracy need to be advanced at the same time that we work for our security and our economic interests, that our values and our interests are best when advanced together.

And I came very close to voting for Mr. Tillerson because of the constructive role I believe he could play. But I, frankly, in listening to the inaugural address of President Trump, concluded that American leadership on the world stage is not as simple as "America first." And that I was even more concerned about a number of alarming things that the President said as a candidate on a whole range of issues, from human rights to NATO, to climate change, to Russia.

And it is my deep hope that Mr. Tillerson, as Secretary, will challenge President Trump to rethink his isolationist and dark

view of the world and to instead pursue a foreign policy that upholds our values and advances our interests.

And if he is successful in that undertaking, I look forward to working closely with him and to recognizing the significant transition he has made and congratulating and thanking him on that.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Again, I appreciated those comments. I know we had a nice conversation about this on Friday.

I thought we were looking for in a Secretary of State is someone who was going to be up under the hood advising the President in a way that we thought would be good for our country, not to measure them against comments at an inaugural address or comments during a campaign. And I do think it is unfortunate that what has happened here is this has really in some ways turned out to be a proxy on people's feeling about our President, not necessarily a proxy or a vote on the person who is actually coming in as Secretary of State.

And to me, Mr. Tillerson is an adult who has been around, and while he certainly does not know some of the political things that we know and has not been sitting through hearings for ten years, I do think he is a person that can be a very good anchor on the things that we care about. And that was what I measured him by, not by comments made during a campaign, not by comments made at an inaugural address.

I do not think any of us could possibly hold nominees responsible for what someone else says if we happen to disagree with that. So I looked at it in a different way, as I have said during the opening comments. But it is very evident to me that in some cases here on the committee, it really turned out to be a proxy on the election itself, and it is disappointing. But that is what has happened.

Senator CARDIN. Mr. Chairman, if I could respond just very briefly on that?

I do not think that is the case at all. I think what has been said is that Mr. Trump is our President. We want him to succeed. He cannot possibly manage every part of government, and his Cabinet appointments are critically important to this country. They have a great deal of discretion in the way they operate their agencies.

The advice and consent role of the Congress, of the Senate, is critically important to make sure that these individuals are qualified for the positions they are taking, but also give us and the American people an opportunity, quite frankly, to understand the passion and commitment of these individuals to the roles that they are taking. We have seen over and over again with the nominations that Mr. Trump has made that the nominees have taken positions that are different than the positions that candidate Trump took.

We have seen that with General Mattis, now the Secretary of Defense, when he talked about the NATO alliance. He came out very strongly in support of the NATO alliance, quite differently than President Trump did as candidate Trump. I think General Mattis was being just straightforward as to his beliefs, and that is one of the reasons why he received almost unanimous support by the United States Senate to be confirmed as Secretary of Defense.

We saw in Mr. Tillerson's case, and I really want to underscore this, I think he is a good person. I think he is well qualified from

the point of view of his business experience and his negotiating skills. But what I think troubled many of us is that when you look at the fundamental responsibility of the Secretary of State, to promote American values, and you contrast that to some of the other nominees and the comments that they were prepared to make about their passion. I already mentioned the point in regards to war crimes, which is something that is pretty sensitive to many of us here, particularly when we have seen what has happened in Aleppo, thanks to Russian support.

Or we see what is happening in the Philippines with extrajudicial killings. Or we saw the response to the question on a national registry, when we asked him how he felt about Muslim Americans being registered, and he gave a more generic response. He did not just say that it would be wrong to have any type of registry in this country for any group of ethnic or religion Americans. It is important to the values of our country.

He did not express that. Or, when the question was asked about the LGBT community, and he could not respond on that issue. He said, "I am against any form of discrimination." Okay. But you need to have a view that when you are going to be Secretary of State, the world is looking upon you for leadership on these issues.

So it is not so much that we do not want to get in front of the heads of our skis. That was not the issue because we understand that Mr. Trump will be and is the leader on all these issues. We understand that. But we wanted to know that the Secretary of State, our future Secretary of State, felt passionate on these issues.

And I want to agree with Senator Shaheen. It is very likely that Mr. Tillerson will be confirmed to be Secretary of State. With the vote in this committee, I think most of us can do our counting, and we expect that he will be confirmed. And I can assure you, Mr. Chairman, this committee will play an important role and every member of this committee will play an important role. And we want him to succeed as Secretary of State. We want him to promote American values.

I was listening very carefully to Senator Rubio's comments, and I share so much of his passion on the human rights issues. So it is going to be important that we all work together to make this country continue to be the leader globally on these issues, and we will do everything we can to make sure that we have a successful administration and a successful Secretary of State on these issues. And we will work with him.

But I think it is our responsibility to point out not only to our constituents, but to the American people that there was disappointment in the manner in which Mr. Tillerson responded to these questions. Although they may have been consistent with President Trump, that was not our issue. It was not our issue as to whether we are trying to be a proxy for President Trump.

It is not at all that. It is not at all. I intend to vote for several of President Trump's nominees for confirmation. I am going to be voting against other of his nominees. I have already announced my opposition to others.

So it is that independent judgment I am making about the individual who is going to head that department, be in the room with the President, as to whether I think that person will speak out for

the values of this country in a way that will be effective in making America move forward in the right direction.

The CHAIRMAN. Very good. This is me that is listening, you know?

So what—what I think I will do is I will keep the committee open until about 5:25 p.m. I think Portman will be in at that time. We will recess. And then so that Senator Murphy can record his vote.

Senator CARDIN. I think Senator Booker and Senator Kaine.

The CHAIRMAN. Okay. So what we will do is reconvene at maybe 7:00 p.m. for 5 minutes, bang it in to let them vote in person during that time.

With that, without objection, we are in recess. Excuse me. We are not in recess. I will wait for Portman for 5 minutes, and then we will be in recess until 7:00 p.m.

Audience Member. Are we allowed to speak during this time? I was asking Senator Corker, can we talk during these 5 minutes?

The CHAIRMAN. You are welcome to talk to each other. It is always good to see you.

Thank you.

[Laughter.]

The CHAIRMAN. Mr. Portman, sir, it is good to see you. We have had a rigorous discussion. How would you like to vote on Mr. Tillerson?

Senator PORTMAN. Mr. Chairman, I thank you for your patience. I apologize. Because of weather, my flight was delayed.

But as you know, I believe Presidents ought to be given deference in their team and given the benefit of the doubt. And in my discussions with Mr. Tillerson and in our public hearing, as you know, I asked him a number of questions, including questions about NATO and Article 5 and also about Ukraine, and I was impressed with his comment that he would support providing defensive lethal weapons to the people of Ukraine so they can defend themselves, which is a change in policy, as you know.

I was also impressed with what he said about NATO and his commitment to not just supporting NATO, but not threatening to revoke U.S. support for Article 5 based on funding considerations. He said it was unconditional.

And he also, in response to my questions about Israel and our relationship there, talked about the need for us to push back against the kinds of boycotts and divestment and sanctions legislation that Senator Cardin and I have fought against in our legislative efforts.

And with all those taken into account, I have decided to vote yes on this nomination. I do believe that Mr. Tillerson's extensive business relationships around the world can be a positive thing for our country.

Again, my concern going into this was some of the issues that I raised a moment ago to see, you know, where he stood. Because I think those relationships and that ability to influence our national security can be very helpful, or those relationships could be used in a way that would not promote our national security.

And based on those answers to the questions, I am pleased to vote aye today.

The CHAIRMAN. Thank you so much, and thanks for making an extra effort to be here today. We appreciate it.

Senator PORTMAN. Thank you again for your indulgence and your patience.

The CHAIRMAN. Thank you, sir.

The illustrious Senator Kaine has arrived and would like to record his vote, and you are welcome to comment at this time.

Thank you.

Senator KAINE. Thank you for holding the vote open. And I put out a statement last week. I am going to vote no and just rely on that statement.

The CHAIRMAN. Thank you. Thank you so much. Thanks for being here.

Senator KAINE. Thank you.

Senator CARDIN. Senator Kaine will change his vote from proxy no to no, just.

And Mr. Chairman, as you know, Senator Booker and Senator Murphy are both delayed because of weather problems, not only on the flight, but I have been told that the train has also been delayed. They have asked that we do not delay the proceedings further. If they were here personally, they would have voted no in person, but I think we can close out the vote.

The CHAIRMAN. Thank you. And thank all of you for your cooperation, and I look forward to processing this on the floor. And I guess we have a mark-up tomorrow.

Senator CARDIN. Do you want to announce the vote?

The CHAIRMAN. We have a meeting, business meeting tomorrow on Nikki Haley, but would the clerk report?

The CLERK. Mr. Chairman, the yeas are 11; the noes are 10.

The CHAIRMAN. Yeas are 11; noes are 10. Recommendation passes. He will move to the floor, and I thank everybody for their cooperation.

Senator CARDIN. We have a vote tomorrow—or we have a business meeting tomorrow at noon, I believe it is. One of our members will be ranking on the Small Business Committee. So she will get to our committee at some point, I just want to ask some consideration so that she may vote.

The CHAIRMAN. We will do the same thing.

Senator CARDIN. Yes.

The CHAIRMAN. Okay. We are adjourned. Thank you.

[Whereupon, at 5:42 p.m., the meeting was adjourned.]



## **BUSINESS MEETING**

**TUESDAY, JANUARY 24, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
WASHINGTON, DC.

The committee met, pursuant to notice, at 12:02 p.m., in room SD-116, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The business meeting of the Senate Foreign Relations Committee will come to order. Today we will consider the nomination of Nikki Haley to be the U.S. representative to the United Nations and to be representative to the General Assembly of the U.N.

Governor Haley is a fierce advocate, as we all saw, for American interests. All of us who have met her certainly have seen that. I believe she knows that the United Nations needs reform and change. We have a right to demand value for our money. I think our nominee has said she will demand that.

Experience shows that when we have strong U.S. leadership at the U.N., we can get results, and South Carolina's governor, Nikki Haley, certainly is a proven leader. I believe she has the instincts—many of us actually commented on her instincts—that will help her achieve reform. Having run a state government, she has dealt with tough management and budgetary issues. I believe the experience will serve her well, and I strongly support her nomination.

And I know she has spent a great deal of time trying to more fully grasp some of the international issues that she will be dealing with, and my guess is in that capacity quickly will move up to speed on those issues as well.

So, with that, I would like to recognize our distinguished ranking member for his comments. Senator Cardin.

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Thank you, Mr. Chairman. First, I join you in your assessment of Governor Haley. And we all were concerned about her lack of foreign policy experience, but I agree with you. Her acknowledgment of and willingness to comprehend the areas

that she may not have the in-depth knowledge of was very refreshing and very encouraging.

And her experience as governor of South Carolina is very impressive. The work that she did in dealing with sensitive issues from the Confederate Flag to the tragedy that took place in her State, is all very, very impressive. And I also found her energy and commitment to the values of this country very, very encouraging.

At her confirmation, I liked what she had to say about the United Nations, that she values the work that it does and the importance of our engagement. And in regards to the funding issues, her statement many times about being opposed to just a cut policy of slash and burn, I thought was encouraging for all of us.

Her clarity on our values—American values, global values—I found to be very, very encouraging. She was very clear about Mr. Putin’s activities in Syria elevating to war crimes. She was very clear about President Duterte’s activities and extrajudicial killings in the Philippines being gross human rights violations. She was very clear about her opposition to the registry of any sub-group of Americans. All of that I found very encouraging.

But what I found most encouraging is that she gives me confidence that she will stand up to Mr. Putin and stand up for American values in the United Nations and will not be intimidated. And she will stand up in the Cabinet Room with the Trump administration as to these issues. And for all of those reasons, I strongly support her confirmation.

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman. In 2009 or 2010, I was at an event in South Carolina. I was an underdog candidate for the U.S. Senate, and I was there on a fundraiser that my colleague, Jim DeMint, did for me. And I met this young woman about my age, state legislator, and people told she was running for governor, but she was in fifth or sixth of six people, and a nice person, but she is not going nowhere. Well, sure enough three months, she—about the same time as I was elected, she was elected governor of South Carolina, an amazing story to begin with.

I have gotten to know her. I got to know her real well last year when she was helpful to me. And I do admire a couple of things about her that I think will serve her well in this role.

The first is a lot of people do not know this, but Governor Haley in her time in South Carolina has basically battled her own party’s legislature, at least for many years, not simply on ideology, but on an entrenched kind of group of people that have been there for a long time, and her ideas of changing the status quo. And she has, you know, taken on a lot of political opposition from within her own party, and through it has persevered. We all watched the way she handled the unfortunate series of events that occurred in South Carolina that, of course, culminated in the whole debate about the Confederate Flag.

And so, I just think she has this incredible fortitude that is going to serve her well in this role. I also, quite frankly, thinks she is a great ambassador for America. In both her personal story, in her growth as a leader, she embodies so many of the things that I want people to think America is about when you think about America. And I do believe that her background, both being a child of immi-

grants and growing up knowing and understanding the greatness of America as not just a Nation, but as an idea, positions her so uniquely to be our voice in that international forum that faces so many extraordinary challenges.

There is a difference between believing in something and having it in your core, and she has these values in her core. I am very, very excited about this nomination. I think she—we are going to look back on her service at the U.N. I predict, as a model of the kind of person we want serving our country in that venue. And so, I am excited to support her. I am more excited for her, and I really look forward to this committee working with her and what I think is going to be a phenomenal term there as our representative for the United Nations.

The CHAIRMAN. We have a large number of people here willing to vote. Are there additional comments that anyone would like to make?

Senator UDALL. Senator Corker, I would like to just make a couple of brief comments. The answers to the QFRs are much different than, I think, her testimony, so I am going to vote no. I just want to highlight a couple of things.

First, on Cuba, she is against travel, against increasing access to the internet in support of entrepreneurs. On climate change, she appears ready to oppose the key aspect of the Paris Agreement, the nationally determined contribution, which I think is the way the—if you are going to undermine Paris, that is probably the way you pick to do it. You stay at the table, but you undermine it that way. And labor, when she was in South Carolina, asked about the minimum wage, more government mandates on smaller businesses. She is not for pushing for the minimum wage on an international level. Israel, and on her answers, I already explored that. Everybody saw that.

So, I am going to vote no.

The CHAIRMAN. Yes, sir. Senator Murphy.

Senator MURPHY. Thank you, Mr. Chairman. I am going to vote yes because I think she did, you know, I think a very credible job of presenting herself to the committee and acknowledging that she has a lot to learn.

But I would agree with Senator Udall. Some of these questions—answers to our written questions directly contradict the commitments that she made to our committee. I had a long exchange with her in which she made a commitment that the Trump administration would not threaten withdrawal of funds to the U.N. because of disagreements we had over outcomes in the General Assembly. She seems to withdraw from that commitment in her written testimony.

I imagine it is going to be the job of this committee to try to figure where the heck this administration is on foreign policy. The world has no idea today. And the fact that there are contradictions in the written responses coming just days after oral testimony to the contrary are not going to help solve it.

So, I am going to support her today, but I hope that we try to get to the bottom of where the heck this administration stands on some of these really important questions sooner rather than later.

The CHAIRMAN. I would like to speak to that after we vote. I appreciate you bringing it up. And thank you—I do not agree, but I appreciate very much the way you go about business here. Yes, sir.

Senator YOUNG. Just briefly. I want to apologize to the senator from Virginia and all my other colleagues. I did not have sufficient time to remove my tie before this meeting, so.

[Laughter.]

Senator YOUNG. That is—

The CHAIRMAN. That is it.

Senator YOUNG [continuing]. Yeah, that is it.

[Laughter.]

The CHAIRMAN. If there are no other comments, and I am glad to—yes, sir.

Senator MENENDEZ. I would like my full statement to be included in the record.

[The prepared statement of Senator Menendez follows:]

PREPARED STATEMENT OF SENATOR ROBERT MENENDEZ

Today I will cast my vote in favor of Governor Haley to be our next Ambassador to the United Nations. While Governor Haley lacks substantive experience in foreign policy, during her confirmation hearing and our private meeting she expressed moral clarity in her vision for promoting American interests and values at the United Nations and is a committed public servant.

American leadership can only occur if American leaders are present on the international stage, and I take Gov. Haley at her word that she will steadfastly promote the values of human rights, democracy and rule of law at the United Nations.

I was reassured by Gov. Haley's unequivocal opposition to President Trump's alarming statements regarding Russian war crimes in Syria, her clear grasp of the importance of U.S. engagement in international institutions, and her commitment to uphold longstanding American principles and practices at the United Nations by standing with Israel and supporting sustainable development goals, including family planning programs.

I hope Governor Haley, as she indicated she would, will seek input and advice from the Foreign Relations Committee as she develops her agenda at the United Nations.

Senator MENENDEZ. I am going to support Governor Haley. She does not have substantive foreign policy experience, but I think she has moral clarity as is evidenced by her testimony before the committee.

And on a series of issues, from Russia's activities, and the defining them appropriately, to human rights and democracy in the world, I think she expresses the values that many of us want to see our U.N. ambassador advocate. Secondly, I take her at her word that she is going to steadfastly advocate those values at the United Nations and pursue the course that she largely, both in public and in private, said.

So, I will share some of the concerns about some answers to some questions, at the end of the day, I am going to hold her to what she said under oath before the committee. And so, I intend to support her today.

The CHAIRMAN. Any other comments?

[No response.]

Senator CARDIN. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator CARDIN. Before we vote, I understand that one of my members is on the way over. I would just ask if we could vote, leave the record open for two minutes so that person can get here.

The CHAIRMAN. I am getting quite accustomed to that.

[Laughter.]

Senator CARDIN. There are a lot of hearings going on.

The CHAIRMAN. We will be shooting the breeze during those times.

Senator CARDIN. Thank you.

The CHAIRMAN. I will entertain a motion, if one would come forth, to voice approval by voice vote.

Senator RUBIO. Second.

Senator CARDIN. I think they want a record vote.

The CHAIRMAN. I could put negatives in the record.

Senator UDALL. I am fine with a voice as long as you record—

The CHAIRMAN. That is fine. Is there a second?

VOICES. Second.

The CHAIRMAN. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[A chorus of noes.]

The CHAIRMAN. On the record.

Senator CARDIN. The two, I have got their names in the record.

The CHAIRMAN. Yeah, the ayes, we will put those in the record, both Senators Coons and Udall. And with that, the ayes have it. We will send her to the floor with a recommendation that she be approved.

This is just where we are I know. But I know there has been a lot of concerns about the Trump foreign policy. And by the way, I think we can probably more fully rely on her oral testimony than written statements that, let us face it, a whole host of people helped put together.

But I do want to say that we have all worked together in the past to confirm nominees quickly. We do not go through the motions. I am talking about for Secretary of State—we do not have motions to approve them. We just approve them on the floor once they have come out of committee.

We are going to move Tillerson at the latest date. We have not—actually Jim Baker moved on January the 25th, which is tomorrow. We moved Hillary Clinton January 21st, Colin Powell, January 20th, Warren Christopher, January 20th, even Alexander Haig, January 22nd, Dean Rusk, January 21st. I could go through a whole host.

And I just hope that—I know that people are getting things out of their system, and unfortunately it is playing out in our committee in multiple ways, which is disappointing. But I just want to point out that we are going through a process where we know the outcome. We know what the outcome is going to be on the floor, and we have people that are concerned about where Trump is on foreign policy, and we have somebody who could possibly help some with that. And we are delaying that for no good reason that I can tell.

So, just an editorial comment. I will make one other. I have noticed in each of the committees there has been a movement on the tax return issue. We had it today in Banking. Lamar, my good friend, and yours is telling me the same thing is happening in the HELP Committee. I just want to reiterate, and I know that apparently that may—I hope it is not going to occur—here with rules.

You know, we have had a tradition here, and we have utilized that tradition to really move people out of here quickly. Senator Kerry, which, you know, married a billionaire, Secretary Clinton. And I just hope that somehow or another before we get to the rules piece, look, I know people are upset that President Trump did not

turn his tax returns in. I thought he should have, too. I agree. But I hope that we are not going to try to change the way we conduct our committee because of the outcome of a presidential race.

And I look at some of these questions that have been written, asking about whether he sold hay on his ranch to foreigners. And it is just a low-level way of approaching what we do. On our committee—our nominees go through a grueling process, and, you know, it is the same kind of process we go through as senators. And I just hope that because a presidential candidate did not do certain things that were the norm, it is not going to affect the way we do our committee business.

I know that Senator Schumer, my good friend and yours, is orchestrating this throughout the system. I know that to be a fact. And I just hope that we will not allow politics to infect our committee and cause us to stoop to levels that we just have not before.

I think we moved many nominees out every month. Both Senator Menendez and Senator Cardin were thanking us for the speed with which we dealt with folks, the types of questions that were asked. And I just hope we will continue on that vein. Hopefully the shock will move out of the system soon and we will begin to operate as we always have.

Senator CARDIN. Mr. Chairman, can I respond?

The CHAIRMAN. Yes.

Senator CARDIN. First of all, so the record reflects that Senator Booker is here. We had a voice vote, and so I just wanted the record to reflect his no vote.

The CHAIRMAN. Unless you want to be recorded no, I will leave things like it is.

Senator BOOKER. I will leave things like it is.

The CHAIRMAN. Okay. Thank you.

Senator CARDIN. Let me respond. Look, I value the tradition of this committee. The tradition of this committee is that we work in the national interest. I would not even call it bipartisan. I think it is nonpartisan. And we have comity for each member of this committee and for the joint leadership between the Democrats and Republicans. I respect that, and I want to do everything I can to make sure that is maintained, and I know the Chairman feels the same way.

But at times we do have different views, so let me just express this as I see it because I do agree with what you are trying to achieve, and I want to be part of achieving that; that is, the reputation of this committee to be serious and to make sure that we do things that are right.

This committee, under your leadership showed great respect for President Obama's nominees, great respect. And you moved them with not only speed, but I think with the right amount of dignity in our committee, and I respect you greatly for the manner in which you did that. And I am going to try to do everything I can for President Trump to reciprocate that, and I mean that.

Once it left our committee, we did not get that respect on the floor of the United States Senate.

The CHAIRMAN. All we can control is ourselves.

Senator CARDIN. Amen. That is what I am saying. I cannot control what is going to happen on the floor of the United States Sen-

ate. That is going to be up to Senator Schumer and Senator McConnell. And it was the same thing we saw, and you performed some miracles to get some of the holds removed, and I thank you for that. But we never had the ability to file a cloture motion on the floor. I think there was one cloture motion that was filed, if I remember correctly, on an Obama nominee under Republican control of the Senate. I might be wrong, maybe there was two, but I know there was a limited number.

And many of his appointments never got through. Even though they passed our committee, they never got through because of the unwillingness of the majority leader to file cloture motions. And I am convinced had he filed a cloture motion, those nominees would have been approved because we had by far the overwhelming majority. There were a few objections by senators. So, I just raise that because I do not control the floor. All I can control is what we do in this committee.

Let me say one other thing on a general note. Questions that are asked by members, I do not believe it is appropriate for me as ranking member or the Chairman to question the questions that members want to ask of a nominee. Each senator has the exact same rights.

I remember when I came to the Senate in 2007, I remember Leader Reid telling me that I had the exact same right that he has, the exact same right as any other member of the United States Senate. So, I do not question what any one of our colleagues here asks on questions. And I think we should not try to characterize those questions.

The CHAIRMAN. No, they are for the record. We can all read them.

Senator CARDIN. We can read them, and you can make your own judgments on them.

The CHAIRMAN. Yeah.

Senator CARDIN. But I would not question the motives of individual members. The volume of questions that have been asked by Republican senators and Democratic senators, we will go back and check, but my guess is they are kind of comparable. And some of the questions that the Chairman or I would think are not relevant to a confirmation hearing, my guess is we are going to find many examples on both sides of the aisle when these questions were asked. But that is not for me to raise. I think each senator has to use his or her own judgment as to the questions they want to ask nominees, and the nominee has a right to answer or not answer as he or she sees fit, and we will be able to make those determinations.

In Mr. Tillerson's case, and I will be glad to go over every one of the answers, there are numerous examples of non-responsive answers. That is his right. He can answer any way he wants to answer, but there are a lot of non-responsive answers. And so, I just would not prejudge that.

We did not use that to slow down the process. We are moving forward. We voted in committee. I think we picked the very first available times for hearings and for votes in the committee, so we did not slow things down. And we used record speed considering this is a non-conventional nominee. This person never served in

public life before. He has never been vetted before. He has never shown his experience as a public official before.

And the last thing on the taxes issues. This is not something I am being directed by our leader to do. This is something that I believe is the right thing to do, so blame me. Thirty percent of our committees in the United States Senate require the production of tax returns. Thirty percent.

The Senate Foreign Relations Committee to me, if it is not the most important committee in the United States Senate, it is on the top list. And someone who is going to be Secretary of State, I think should produce their tax returns. That is my personal belief.

The CHAIRMAN. Why did you not believe that four years ago, Ben?

Senator CARDIN. It was not raised four years ago.

The CHAIRMAN. And the——

Senator CARDIN. Hold on. The nominee four years ago had already released——

The CHAIRMAN [continuing]. Eight years before——

Senator CARDIN. They had already released it.

The CHAIRMAN. Eight years before.

Senator CARDIN. But we knew everything about him. He had already filed his disclosure statements and his—and his stock—all of the things that he had to comply with. We already had a public record on Secretary Kerry——

The CHAIRMAN. That is absolutely not——

Senator CARDIN [continuing]. And we already had a public record on Secretary Clinton. There was a public record out, and we had already vetted all those issues. And, quite frankly, I was not ranking member of the committee at the time or chairman of the committee at the time. So, it is a different responsibility when you become ranking member or chairman to speak out on these issues.

So, look, I respect your passion on this issue. I think ultimately this is a decision that we will make collectively as a group. What my colleagues have said, we asked whether the nominee is willing to make their tax returns available, and the nominees have always said yes.

The CHAIRMAN. That is right, they said they would make tax information available. But we have not asked for it. We have not asked for it.

Senator CARDIN. We have not asked for it, but we have asked in the questionnaire whether they are willing to produce their tax returns——

The CHAIRMAN. Yeah.

Senator CARDIN [continuing]. And he said yes. If we ask the question, “are you willing to produce the tax returns,” one might just suppose that one day we are going to ask for those tax returns.

The CHAIRMAN. : If the committee decides. Let me just say this. Here is what I am passionate about. You know, tax returns, candidly, if you ask me, I do not care. They do not actually produce near the information that is produced in the Ethics Disclosure Report, not even close. It is not that.

It is that you guys have constantly talked about the bipartisan way in which we conduct this committee. Lamar has been the same way. In fairness, Johnny has been the same way. I do not know

Todd. All of a sudden, the shoe gets on the other foot, and we have a different standard for nominees. That is what I am passionate about.

You know, I feel somewhat naive having conducted myself in the way I have over the four years that all of a sudden now we have an election outcome that is different, and I expect my colleagues to conduct themselves in the same way that we conducted ourselves, and I am finding a difference.

So, look, that is what I am passionate about. I do not give a rip about tax returns or whatever. I just want the standards and the way people are treated to be the same, and this committee has been that way for a decade. A decade. And now all of a sudden because of a presidential race, everything is different. So, that is what I am passionate about, okay?

Again, it is not this issue. Again, I look at some of the people that have been disqualified, our senator from South Dakota that could have been head of HHS. My god, our country would have been so much better off had he been HHS instead of what happened. So, I do not even like those kind of gotcha things. I am willing to do what the committee wishes to do.

And, Ben, look, this is me you are talking to. You know, you are not good at contortions. I know that Chuck is driving this. I know he is driving this in every single committee. I know it. You know it. Everybody here knows it.

Senator CARDIN. Just so you understand one thing, it is just not accurate. That is not true. Just when we get to it, that is not true. I have never gotten instructions from Senator Schumer on this issue, and I am telling you that on the record right this moment. And I want to clear something else up.

The CHAIRMAN. I do not want to embarrass anybody.

Senator CARDIN. I have said openly from the beginning that the tax returns would not be produced unless the two of us agreed to it. So, we are not changing the rules for Secretary-designee Tillerson. I have also said that the rule that I am going to seek to have us vote on, would apply to the next Secretary of State, which may very well be a Democratic president who makes that nomination in four years from now. We do not know who the President is going to be in four years from now.

And it will not allow access to the specific information on a tax return, but it will allow us to have the Chairman and ranking member review the tax returns. And if there is cause for concern, with the approval of the Chairman and ranking member, it will go beyond that. I think that is the responsible vetting that should be done of a nominee for Secretary of State moving forward.

Senator MENENDEZ. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator MENENDEZ. Mr. Chairman, since you decided to put this on the record, let me first say that you know I have the deepest respect for you.

The CHAIRMAN. As I do you.

Senator MENENDEZ. And I appreciate that. And when I was the Chairman, you sometimes used your authority and the precedents that we had had, even though they are not written into the rules, to hold back on certain things for periods of time until you were

satisfied. And they were not frequent, but they were used, and I respected that.

And when—the question of this issue of tax returns, there is a reason that we ask the question under the rules, are you willing to come forth with it, because if there is an issue that arises that, therefore, one must ask because the circumstances that arise as to any nominee—Secretary of State or any other—that because their financial interests raises questions, as it did in this particular case.

It is not that other nominees have not had wealth. But the question is because of the uniqueness of this nominee and the financial interests he had as it relates to a major country for which we have a significant set of issues with, that future decision making would be affected, and, therefore, having an understanding of that was how this arose. So, I do not see it as a one-off.

As it relates to all the former Secretaries of State that you mentioned, they all had very deep, deep foreign policy experience. These nominees so far have not. Now, that does not mean they are disqualified because they do not, but the nature of having to do true vetting, the true essence of the advise and consent has even gone deeper because they do not have that experience. So, to do it, it is very important.

So, I regret that your characterization or the questioning of motives has—that you are upset. But as regards to the point of characterizing questioning the motives of members, you know, I think many of my colleagues, now in positions of leadership, forget that Mitch McConnell said we are going to make Barack Obama a one-term President, and then used every procedural and other ability to accomplish that. Now, there was relative silence on the other side about that, but I did not subscribe bad motives to my colleagues because they were following their leader in trying to make that happen.

So, I hope that you think about the context of these particular nominees. They are unique. They are unique. I supported one today even though she does not have deep foreign policy experience. I could not the other. I hope he can succeed if he ultimately is confirmed by the Senate because it is important to the Nation, and I look forward to working with anyone who is confirmed.

The CHAIRMAN. Yeah.

Senator MENENDEZ. But I just think that, you know, the characterizations and the questioning of motives does not inure to the benefit of the traditions that we have had in the committee. And I understand what you are trying to preserve, and I seek to preserve them as well. But there are circumstances, not just simply the questioning of an election. There are circumstances that we have some very unique nominees that have, you know, real issues that have to be deduced. And if you believe that questioning those issues ultimately is in violation of the committee's traditions, then, you know, I have—

The CHAIRMAN. I am so glad you brought up the Senator McConnell issue because that is exactly is what happening from my perspective. Yes, Senator McConnell said those things, but never, never did you see Senator Lugar nor myself ever conduct ourselves in this committee to be infected by that kind of thinking. Never.

And so, I am so glad you brought that up because I see now the shoe is on the other foot, and it is not just this. It is a whole host of things that have happened since the election has taken place. And, again, it is just different. It is, you know—it is just different. And I am sorry, I am going to continue to state what I state. Yes, Senator McConnell said the things he did. Did we act upon it in this committee? No, never.

And I am just hoping that because the outcome has been what it has been—it has been a shock to the system, candidly, on both sides of the aisle. I just want us to continue to be the island that we have been of bipartisanship, and I do not want different standards set all of a sudden.

There may be an instance where we wish to pursue something. But, you know, Tillerson may not have much foreign policy experience, and I wish he was more passionate on these issues. Look, I will tell you right now I wish he was. I wish the clarity issue was there. Yes, I do. I still think he is qualified. But the Office of Government Ethics gave him a sterling report. I mean, it is clean. He worked at one company.

So, again, I know that this is happening in every committee, which is different. We will deal with it when it comes up. My goal here is just one thing. Let us just keep being what we have been. We have been an example to people all across the country, we really have. People look at this committee under your leadership, and Ben's leadership, and my leadership. They look at us as a place that has been able to be all the things that people want a Foreign Relations Committee to be. And just between things that have happened since the election, we are wandering off in a little bit of a different direction, and I just hope that—

Senator MENENDEZ. Mr. Chairman, with all due respect, and I have the same goal you do. I think every member does. I do not think anything that I have seen Senator Cardin do as the ranking member suggests anything different, and to the contrary. Despite pressures I have seen on him to ultimately delay and do other things, he has rejected those—

The CHAIRMAN. Yeah.

Senator MENENDEZ [continuing]. And has worked to try to ensure that the essence of this bipartisanship is retained, and I regret that you have a different feeling about it. But I can tell you from being on the inside of the other side, I have—I have the deepest respect for what Ben has done to try and preserve the traditions of the committee. And sometimes it is not all that easy, but I think he has done it, and I hope we get past this period and continue to move as we have.

The CHAIRMAN. Yes, sir.

Senator YOUNG. I will try to keep it very brief. I have enjoyed this candid exchange of perspectives and so forth.

On just point of inquiry here being new on the committee, is it the tradition of this committee to have these sorts of difficult conversations consistently in the presence of staff, or do we from time to time decide that we should—we should have them among ourselves?

The CHAIRMAN. I think the staff is very aware of all that has been happening.

Senator YOUNG. Okay. All right. And then secondarily, Ben, I will look forward to working with you. You know, if prospectively we want to change things here, my perspective is if we are going to make these requests of potential Cabinet members, we who make the laws—senators—ought to abide by a similar sort of standard. So, I think the threshold ought to be very, very high, and I think we ought to be willing to step up to the plate as well. So, maybe we can have that dialogue—

The CHAIRMAN. Well, maybe we provide our own tax returns.

Senator YOUNG [continuing]. Yeah. Yeah, that is—

The CHAIRMAN. That might be a good thing to do.

Senator YOUNG [continuing]. Absolutely.

The CHAIRMAN. If there is no further discussion, the meeting is adjourned. Thank you.

[Whereupon, at 12:35 p.m., the meeting was adjourned.]

## **BUSINESS MEETING**

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**TUESDAY, JANUARY 31, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:05 a.m., in room S-116, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Paul, Cardin, Shaheen, Udall, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. This meeting will come to order, and I will go ahead and make my opening comments because I know we have other meetings. Thanks for coming. We will let Senator Cardin speak when he gets here.

This business meeting of the Senate Foreign Relations Committee will come to order. Today we will organize the committee, establish our subcommittees, set the rules, and authorize expenditures for this Congress.

First, we are considering the proposed subcommittee membership and jurisdiction of the 115th Congress. I hope our subcommittees will continue to play a beneficial role in the work that this committee does. I also want to thank each and every one of you for your willingness to serve on these important subcommittees. I look forward to working with the respective chairmen and ranking members.

Next, we are required to consider a resolution authorizing expenditures by this committee during the 115th Congress. Lastly on today's agenda, we will consider the proposed rules of the 115th Congress. These rules have served this committee well in the past. I hope they continue to do so for this Congress.

With that, perfect timing, I would like to recognize the distinguished ranking member for his comments. Senator Cardin.

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, thank you, Mr. Chairman. Sorry we could not have our meeting last night, but I am glad that we could accommodate and have the meeting before the North Korea meeting.

Let me, if I might, express my support for the agenda we have today. I would urge the support of the subcommittee membership

and jurisdiction for the 115th Congress, the committee rules for the 115th Congress, and the Senate resolution authorizing the expenditures by the Committee on Foreign Relations during the 115th Congress. All those issues have worked out between the Democrats and the Republicans, and we appreciate the cooperation as usual in working these issues out.

So, let me in my opening statement talk about one area——

The CHAIRMAN. Why do we not do that when we come to it, if that is okay.

Senator CARDIN [continuing]. That is fine.

The CHAIRMAN. Okay. First, I would like to consider the subcommittee jurisdiction and membership. Senator Cardin, any comments?

Senator CARDIN. Move that we approve.

The CHAIRMAN. Any objections?

[No response.]

The CHAIRMAN. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. And the ayes have it and the subcommittees are approved.

[No response.]

The CHAIRMAN. We have done all that. Are we good for the subcommittees? Okay.

Next, we will consider the resolution authorizing expenditures for this committee during the 115th Congress. Senator Cardin, do you have any comments you would like to make on this?

Senator CARDIN. I support it and move its adoption.

VOICE. Second.

The CHAIRMAN. Anyone else like to speak to this resolution?

[No response.]

The CHAIRMAN. Is there a motion to approve the committee's expenditures resolution by voice vote?

VOICE. So move.

The CHAIRMAN. Is there a second?

VOICE. Second.

The CHAIRMAN. Second. The question is on the motion to approve the committee's expenditures resolution for the 115th Congress.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. Ayes have it.

With that, we are going to move to the rules, and I am going to make a statement.

There is, you know, a lot of craziness that has happened and has been since the election, and this committee has been an island of bipartisanship. It has been the place that has continued to conduct itself as adults and try to continue to look at our Nation's issues in a sound way, and I am really proud of that. I am proud to have been on this committee for 10 years.

When I was setting up this meeting for Tillerson, I not only had extensive meetings and conversations with Senator Cardin, but I

also had extensive conversations with Senator Schumer because I knew he was driving much of what was happening. And during that time, Senator Schumer told me that the Democratic base was very upset about the fact that President Trump had not shown his financials, his tax returns, and, therefore, they were going to make an issue of it at the committee level. I talked with him again about it on Saturday. Same thing.

You know, we have been a committee that just has not done things in that manner. I know the amendment that Senator Cardin is getting ready to offer is exactly the amendment that was offered in Banking the other day. So, it has been obviously a coordinated effort, something that, again, is disappointing.

We have the ability on the committee to ask questions of nominees, and Senator Cardin and I joined together and asked some very pertinent questions relative to the financial issues of Rex Tillerson, things about foreign involvements, foreign income, foreign sales, those types of things, and he answered those questions. And I think each of you know the Office of Government Ethics gave him a sterling review for the way that he had handled things.

I think you know that four years ago we convened and approved Senator Kerry in very quickly. This is a person that was a billionaire with his wife, had not turned in tax returns. So, I am a little surprised by the newfound interest in tax returns, especially when we had someone as wealthy and as far flung as that particular candidate. But I know it exists today.

I just want to say one more thing. I strongly opposed the nuclear option. I voted for some really bad people, from my perspective, in order to keep it from happening. But somehow or another we had to go through the nuclear option, and I know my friends on the Democratic side rue that. And I would just say that, look, if we have got changes we need to make, let us let passions quell. Let us continue to work together in the way that we always have. Let us not use this committee as a place to make political points.

So, I hope that—I am sensitive, and I think I know the outcome of this vote. I hope that I do. And, you know, in a couple of years, if there are things that any of us need to look at that we feel like is a better way of vetting folks, I would be more than glad to look at it. I am disappointed that we are where we are today. Numerous questions have been asked and answered. I realize, though, that this will scratch an itch.

And with that, I will turn to Senator Cardin.

Senator CARDIN. Well, thank you, Mr. Chairman. So, let me respond on a—on a couple of points. My first call to you in regards to the tax returns, I had not had any conversations with Senator Schumer before that call. As I am listening to your conversations with Senator Schumer, it seems to me that you may have talked to Senator Schumer more than I talked to Senator Schumer—

The CHAIRMAN. That could be the case. That could be the case.

Senator CARDIN. So, let me go back to the original request that I made in regards to three years of tax returns. And you during a very early conversation said that you thought that that would be inconsistent with the practice of the recent history, and that you were not going to break the current practice, and, therefore, you did not support the release of the tax returns.

We also went over the politics of this, that you thought that this was an extension of the debate on President Trump, and that I expressed that was not the case and my reasons for wanting the tax returns. And then you also expressed that there was a concern by Mr. Tillerson in regards to his personal privacy, and if you recall that first conversation, I agreed with you. I thought that a vetting process should maintain privacy where it can maintain privacy.

And I gave you a commitment at that time that if the appropriate staff could review the tax returns, unless there was something that struck a concern that you and I mutually agreed to—mutually agreed to—all the information would be kept confidential. I used that as a similar circumstance of what the FBI investigations had done.

I thought as a result of that first conversation we made progress, and, quite frankly, I thought we were going to be able to get some accommodations on the tax returns as we went through the process, but that was not to be the case.

I want to talk about the differences here because Senator Young raised a very valid point about public officials releasing tax returns, why should we not as members of the Senate Foreign Relations Committee. And I certainly believe that President Trump as candidate Trump and as President of the United States should release his tax returns publicly. That is my belief. And it may be that members of the United States Senate or Congress should release their tax returns publicly as a matter of transparency.

But that is not the issue I was trying to get at in our responsibility as the committee in dealing with Mr. Tillerson. We have a vetting process in regards to Mr. Tillerson, and it is pretty thorough. Mr. Tillerson has never been vetted before for public office. He is a—has a pretty broad financial interest, and, yes, I was interested specifically in his foreign source income. I was. I told that to staff that I was interested to make sure that he did not have potential problems because of foreign source income.

And we thought that the tax returns would help us in understanding that, and I asked questions for the record concerning foreign source income and did not get answers as to foreign source income. So, it was an area that I thought was appropriate for vetting.

And I come back to the point that what I have requested is not for a public release, but a private vetting issue. The chairman and I are—had the opportunity to take a look at an FBI investigation of Mr. Tillerson. I can assure you the FBI questions are much more personal and much more invasive than a person's tax returns, and I am not aware of any chairman or ranking member violating the confidentiality of an FBI report. So, in that same spirit, I thought it was appropriate for our committee in the vetting process to take a look at the returns.

This clearly has gotten engaged in the broader political issue. Democrats and Republicans see it differently, and I do not—I understand why, and I am disappointed by that because to me vetting and public disclosure are two different things. Totally different things. And I never would suggest that a Cabinet Secretary have public disclosures of tax returns. It is not what I ever intended and never sought. And the amendments that I have brought forward would not require—in fact, they would protect the privacy.

Now, 30 percent of the Cabinet will go through this type of vetting. John Kelly as Homeland Security Secretary, General Mattis, Secretary of Defense, Mr. Mulvaney as OMB director, Tom Price, HHS, Linda McMahon, Small Business, Steve Mnuchin as Treasury Secretary all have gone through process. And I have not seen any significant blowup as a result of their tax returns being part of the vetting process. In fact, there has been nothing written about it that I am aware of, which means it is just part of the normal process. I happen to think, as I know the Chairman believes, the Secretary of State is equally important and has equally challenging decisions as the members I just mentioned on the President's potential Cabinet.

So, for all those reasons, it was my hope that we could change the practice of our committee that this would be part of the normal process. And to make it clear, the rules that I have said is not the same as the Banking. It would start with the next administration so that it would not have a partisan view as to we are starting under a Republican administration. We do not know whether the next administration will be a Democratic administration or Republican administration.

And the proposed rule change would require confidentiality, would not allow the members of this committee or staff to have access to those tax returns. It would be strictly the Chairman, the ranking member, and our staff—appropriate staff, and then no further than that unless mutually agreed.

Mr. Chairman, I share your passion for the—this committee and the way we have operated. I have not been successful in convincing you of the merits of the proposal or my sincerity that requesting this has nothing at all to do with the broader politics. This is my first nominee as ranking member that I have been responsible for to a Cabinet position, and I take my responsibility as ranking member on nominations of Cabinet-level positions very seriously. And this had nothing to do with broader politics as far as my passion for this issue.

But I have not been able to convince you, and I agree with you that the reputation of this committee, the record of this committee, on working together on these issues, bipartisan, is critically important. And I am going to continue to try to convince you that this is in the best interest of the work of this committee that Cabinet-level Secretaries make their tax returns available to us. If we ask the question, “will you” and they answer “yes,” they have to understand that we may be looking at it.

And for those reasons, I am not going to offer the amendment today, and I will continue to work with you because I do believe rules changes should be done bipartisan. And we will continue to work with you in that regard.

The CHAIRMAN. Well, I appreciate that very much, and appreciate the dialogue that we have had. And I do want to point out that he did answer questions relative to foreign income. Those were joint questions from you and I, and there were numbers of questions relevant to that that he did answer. But I appreciate what you are saying, and I am sorry for our committee that we have gotten all caught up in wrapping around the axle here. But I really appreciate your comments.

So, with that, I guess, is there a motion to approve the rules as they are.

Senator CARDIN. I move the adoption.

VOICE. Second.

The CHAIRMAN. Second.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. Thank you all. Let us go to work. The meeting is adjourned. Thank you.

[Whereupon, at 10:21 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

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**THURSDAY, MARCH 9, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:32 a.m. in, room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Young, Barrasso, Portman, Paul, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. Now that we have eight members here, we will go ahead and start the business meeting. So I am calling it to order.

And what we may do is recess for a moment and move to the other hearing, and move back to this once we have the appropriate number of members here to vote, just to accommodate everybody's time.

The business meeting of the Foreign Relations Committee, as I mentioned, has come to order. Today, we will consider the nomination of David Friedman to be the next U.S. Ambassador to Israel.

Israel is our closest friend and strongest partner in the region, and this position is a vital post. Mr. Friedman is an impassioned advocate for America and for strengthening the mutually beneficial bond between the United States and Israel. He understands the complexity of issues at stake for the United States, and the necessity to support a democratic ally in an important and unstable part of the world.

We can all appreciate the sincere desire of the President for a renewed attempt at lasting peace between Israel and the Palestinians. To represent the United States and facilitate that effort, the President needs an Ambassador who shares his vision and confidence.

Mr. Friedman is under no illusions about the difficulty of the task at hand, and I believe he views this opportunity as a calling and will put his full energy behind service to our Nation and our interests in Israel.

With that, I would like to recognize the distinguished ranking member, and my friend, Ben Cardin.

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Mr. Chairman, first, I want to thank you for the manner in which this nomination was handled, the time that we were given to get the information we needed, the courtesies extended during the hearing process, and a thorough vetting of Mr. Friedman. So I appreciate that very much.

And I also appreciate Mr. Friedman's willingness to serve our country in this critically important role. And I will acknowledge the comments he made during our confirmation hearing, his apologetic comments about the statements that he had published, were encouraging.

The United States and Israel have a special relationship. That special relationship goes back to 1948 when President Truman recognized the state of Israel—I might tell you against some of the advice within his own State Department. And ever since that time, successive administrations have supported the relationship between Israel and the United States because they know it is critically important to U.S. national security as well as Israel's security.

We have a country that shares our values. We have a country that is reliable as far as intelligence information, and will be with us in any circumstance.

That special relationship has been supported not just by successive administrations but by every Congress—by Democrats, Republicans, by the House, the Senate. And to me, it is extremely important that we continue that united support.

Overwhelming numbers of Members in Congress understand and support the special relationship between the United States and Israel on both sides of the aisle. But there are those who are trying to divide us and make Israel a partisan political issue. To me, that should have no place in American politics, because of the importance of the relationship.

I do not believe that Mr. Friedman can be that unifying person as Ambassador to Israel that will unify the support in our country and our political process with Israel. I say that because of his written comments, and I believe that will come back to be used.

The second concern I have, and why I will not support his nomination, is the written statements related to the two-state solution, in that he believes there can be peace between the Israelis and Palestinians absent a two-state process where you have a Jewish state and a Palestinian state living side-by-side with security and peace.

So for those reasons, I will not be supporting this nomination.

The CHAIRMAN. Would anyone else like to speak to the nomination?

Senator KAINE.

Senator KAINE. Thank you, Mr. Chair.

I will also oppose the nomination. I think Mr. Friedman—it is regrettable, because he knows so much about the topic. But the relationship between the United States and Israel is deeply important and the region is incredibly volatile. The last thing we need in this position is somebody who has a penchant for over-the-top hyperbolic and even false statements.

And Mr. Friedman, sadly, has not demonstrated the ability, in my view, to be diplomatic. We use the phrase “diplomatic” to convey something—discretion and judgment.

Scurrilous and sometimes even false statements about the President of the United States, about members of this body, about other patriotic Americans with whom he disagrees, and has the right to disagree, those demonstrate to me that there would be a volatility to his holding this position that is exactly the wrong ingredient to put into this important relationship in this region of the world.

For that reason, I will oppose him as well. Thank you.

The CHAIRMAN. Any other comments?

Senator Udall.

Senator UDALL. Mr. Chairman, I agree with the ranking member in his position, and also what has been said by Senator Kaine.

One other thing, and I think we debated this in depth, that I would just point out and reiterate, is that we had five Ambassadors, Democrat and Republican under different administrations, weigh in on this. And the crux of their statement: We believe him to be unqualified for this position.

So I think it is unprecedented to see people of this stature weigh in, and I think we should remember that these comments were not comments off-the-cuff. They were written. They were op-eds. They were drafted.

#### STATEMENT FOR THE RECORD SUBMITTED BY SENATOR UDALL

Thank you Mr. Chairman and Ranking Member Cardin.

I cannot recall this committee considering a nominee like this. A nominee who has not just simply criticized the policies of the United States which he is entitled to do as a private citizen.

But a nominee who has shown a lack of diplomatic tact and has labeled his opponents—including members of the Senate and this committee—as anti-Semitic. And worse—he derided the Pro-Israel and Pro-Jewish organization J-Street and their members as worse than Kapos.

New videos of his remarks have come to light from CNN in which he supports the conspiracy theory that one of former Secretary Clinton’s top aides, Huma Abedin, is an agent of the Muslim Brotherhood.

He has apologized to some of his past targets, but I am unaware that he has apologized to the President or J Street or Ms. Abedin. In fact, he is refusing to meet with J-Street, despite his promises during his hearing to meet with groups with whom he disagrees.

As I observed during his confirmation hearing, his statements do not represent American values. His statements are not random “off the cuff” remarks. Much of his offensive, inflammatory, and insulting rhetoric was prepared by him for publication as op-ed pieces.

Mr. Friedman’s appointment would also represent a profound break with decades of U.S. foreign policy supporting a two-state solution—and resisting illegal settlements that make such a solution more remote. President Reagan said settlement activity was, “no way necessary for the security of Israel . and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated.”

I do not believe this committee has ever considered a nominee who is both so extreme in policy views and has been so un-diplomatic with sustained, deliberate, offensive rhetoric.

I am not shocked to see a nominee like this from our President, but I am shocked that a majority of this committee is apparently going to vote for one.

Maybe Mr. Friedman will keep his word, and stick to his answers from his hearing, if is he confirmed to this job.

Where he did an about face and agreed that a 2-state solution is the only realistic situation that the Palestinians would ever agree to, and that settlement activity is an obstacle, and that he will apologize and avoid vicious personal attacks in the future.

But a person with this background runs a very real risk of contributing to conflict in a dangerous part of the world. This is not the ambassador to the Bahamas. The stakes are high.

To underscore that this is not some partisan point on my behalf, Mr. Chairman, I am going to read from an unprecedented letter from five former ambassadors to Israel who collectively served in the Reagan, Bush I, Clinton, Bush II, and Obama administrations.

More than any of us, they understand the tact and diplomacy that is needed in the region. And they soundly concluded that Mr. Friedman is not prepared for this important role.

The American ambassador must be dedicated to advancing our country's longstanding bipartisan goals in the region: strengthening the security of the United States and our ally Israel, and advancing the prospects for peace between Israel and its neighbors, in particular the Palestinians. If Israel is to carry on as a democratic, Jewish nation, respected internationally, we see no alternative to a two-state solution. This has been the bipartisan goal of U.S. foreign policy for decades.

We are concerned that Mr. David Friedman, nominated to serve as U.S. ambassador to Israel, strongly disagrees. He has argued that two states for two peoples is "an illusory solution in search of a non-existent problem." Mr. Friedman has been active in supporting and financing the settler movement. He has said that he does not believe it would be illegal for Israel to annex the occupied West Bank. We believe him to be unqualified for the position.

Respectfully,

(Former Ambassadors to Israel): THOMAS R. PICKERING, WILLIAM C. HARROP,  
EDWARD S. WALKER, JR., DANIEL C. KURTZER, AND JAMES B. CUNNINGHAM

Senator UDALL. So I think we are in a far different situation than just having off-the-cuff comments.

Thank you, Mr. Chairman: I appreciate it.

The CHAIRMAN. Thank you so much.

Would anyone else like to speak?

Because of the committee rules, what I am going to do is recess the business meeting into the hearing until we have the remainder of participants here, so we can go ahead and vote.

I hope that happens very quickly. I know some of you have other business and some will plan to stay for the hearing.

So if it is all right with you, Mr. Ranking Member, what I will do is recess the business meeting.

Senator CARDIN. Could we just ask at the offices of those that we expect to be here be called so that we can get a quorum as quickly as possible?

The CHAIRMAN. I think we have some panic-stricken staff who have already done that, so thank you.

Senator SHAHEEN. Mr. Chairman.

The CHAIRMAN. Yes, ma'am?

Senator SHAHEEN. Is there not a quorum present yet? Perhaps you should explain that, because I think a lot of people do not understand that.

The CHAIRMAN. When a nomination is being voted out, you cannot use a proxy to establish the majority of voters here. You have to have everyone present, so thank you for asking.

And I think that the other members will be here shortly. We will wrap back in and move the nominee out.

Senator Isakson, I think you all know, is still away because of the ailment that he has had.

[Recess.]

The CHAIRMAN. The briefest opening comments ever.

Senator RUBIO. I like a dramatic entrance.

The CHAIRMAN. Our member from Florida always seeking the spotlight.

[Laughter.]

The CHAIRMAN. With that, does anyone seek a roll call vote?

Senator CARDIN. I think we should have a roll call vote.

The CHAIRMAN. The question is on the nomination for David Friedman to be Ambassador to Israel.

Clerk, if you would, please call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Ms. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 12; the nays are 9.

The CHAIRMAN. The nominee will be favorably reported to the floor.

I thank all of you very much for being here: I know we have differing points of view here, but thank you all very much for cooperating and causing this to be a successful business meeting.

And with that, the business meeting is adjourned.

[Whereupon, at 10:42 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

**THURSDAY, APRIL 6, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 11:18 p.m. in room S-216, the Capitol. Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Flake, Gardner, Young, Barrasso, Isakson, Paul, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Markey, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today we will consider S. Res. 116, condemning the Assad regime for its continued use of chemical weapons against the Syrian people. I'm thankful my colleagues came together so quickly to condemn this horrible attack by the Assad regime, although I hate that we are yet again condemning Assad for indescribable crimes. I do think this horrific attack has focused the new administration, and I hope we will work with them as they develop options to address the Syrian war.

I want to thank Senators Cardin, Rubio, Kaine, and Gardner for bringing this before the committee.

Any other member comments? Senator Paul.

Senator PAUL. I ask unanimous consent that my statement be entered into the record.

The CHAIRMAN. Without objection.

[STATEMENT SUBMITTED BY SENATOR PAUL.]

I join my colleagues in strongly condemning the atrocities in Syria and the loss of lives.

Our concern for these lost lives should not cause us to rush into another country's civil war.

I have been saying since 2013, along with President Trump, that we should not be engaged in war in Syria. Toppling Assad could well lead to a worse outcome, with Islamic radicals in charge of Syria, turning their hatred toward the U.S. and Israel.

I oppose this resolution because it does not explicitly state that the condemnation is not an authorization of war.

War should not come easily. Our constitution calls for great deliberation and a specific vote to declare war. We have been at war in the Middle East without congressional authorization for 15 years my vote today is to send a message that we should not enter a new war without constitutional authorization.

The CHAIRMAN. If there is no further discussion on this resolution, I would entertain a motion to approve the manager's amendment by voice vote.

[A Senator makes a motion]

The CHAIRMAN. Is there a second?

[A Senator seconds]

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the manager's amendment by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. And with that the ayes have it and the amendment is agreed to.

Are there any further amendments?

Hearing none, is there a motion to approve the resolution as amended?

[A Senator makes a motion]

The CHAIRMAN. Is there a second?

[A Senator seconds]

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the resolution as amended.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. And with that the ayes have it and the resolution as amended is agreed to.

Senator PAUL. Mr. chairman, I would like to be recorded as present.

The CHAIRMAN. Thank you. Senator Paul will be recorded as present.

That completes the committee's business.

I ask unanimous consent that staff be authorized to make technical and conforming changes; without objection, so ordered.

And that with that, without objection, the committee will stand adjourned.

[Whereupon, at 11:28 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

**WEDNESDAY, MAY 3, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 5:16 PM, in room S-216, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Flake, Gardner, Young, Barrasso, Isakson, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today we will consider H.R. 534, the U.S. Wants to Compete for a World Expo Act.

The United States faces an upcoming deadline to take part in the Bureau of International Expositions (BIE). Minnesota would like to bid for consideration as a host for the 2023 Expo, also known as the “World’s Fair.”

This legislation authorizes the State Department to participate in the BIE while retaining existing prohibitions on the use of State Department funding for U.S. exhibitions at a World’s Fair.

The bill authorizes the State Department to accept private contributions for maintaining continued participation in the organization and to pay for a U.S. pavilion. ExpoUSA and Minnesota’s World’s Fair Bid Committee have agreed to cover both past arrears and current dues with private sector donations.

The amendment offered today will clarify that State Department officials are barred, in their official capacity, from soliciting funding to pay for an expo.

With that, I would like to recognize the distinguished ranking member for his comments.

Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman. I strongly support passage of H.R. 534, which will allow Minnesota to compete to host the 2023 World Expo. I believe that U.S. participation in World Expos is important because of their capacity to showcase America’s products, technology and innovative spirit, and to promote U.S. exports and job creation. On a personal note, my parents met at a World Fair, so I do believe in the power of these Expos to bring people together.

The CHAIRMAN. Any other member comments?

[No comments]

The CHAIRMAN. If there is no further discussion on this bill, the question is on the Corker amendment.

The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Rubio?

Senator RUBIO. No response.

The CLERK. Mr. Johnson?

The CHAIRMAN. No response.

The CLERK. Mr. Flake?

The CHAIRMAN. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Paul?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye, by proxy.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Udall?

Senator UDALL. Aye, by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAIN. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 18; the noes are 1.

The CHAIRMAN. Thank you. And with that, the ayes have it, and the amendment is agreed to.

Are there any further amendments?  
Hearing none, is there a motion to approve the act as amended?  
Senator CARDIN. I so move.  
The CHAIRMAN. Is there a second?  
Senator BARRASSO. I second.  
The CHAIRMAN. So moved and seconded.  
The question is on the motion to approve the act as amended.  
The clerk will call the roll.  
The CLERK. Mr. Risch?  
Senator RISCH. No, by proxy.  
The CLERK. Mr. Rubio?  
Senator RUBIO. No, by proxy.  
The CLERK. Mr. Johnson?  
The CHAIRMAN. No response.  
The CLERK. Mr. Flake?  
The CHAIRMAN. No.  
The CLERK. Mr. Gardner?  
Senator GARDNER. Aye.  
The CLERK. Mr. Young?  
Senator YOUNG. No.  
The CLERK. Mr. Barrasso?  
Senator BARRASSO. No.  
The CLERK. Mr. Isakson?  
Senator ISAKSON. Aye.  
The CLERK. Mr. Portman?  
The CHAIRMAN. Aye, by proxy.  
The CLERK. Mr. Paul?  
The CHAIRMAN. No, by proxy.  
The CLERK. Mr. Cardin?  
Senator CARDIN. Aye.  
The CLERK. Mr. Menendez?  
Senator MENENDEZ. Aye, by proxy.  
The CLERK. Mrs. Shaheen?  
Senator SHAHEEN. Aye.  
The CLERK. Mr. Coons?  
Senator COONS. Aye.  
The CLERK. Mr. Udall?  
Senator UDALL. Aye, by proxy.  
The CLERK. Mr. Murphy?  
Senator MURPHY. Aye.  
The CLERK. Mr. Kaine?  
Senator KAINE. Aye.  
The CLERK. Mr. Markey?  
Senator MARKEY. Aye.  
The CLERK. Mr. Merkley?  
Senator MERKLEY. Aye.  
The CLERK. Mr. Booker?  
Senator BOOKER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 14; the noes are 6.

The CHAIRMAN. Thank you.

And with that, the ayes have it; and the bill, as amended, is agreed to.

That completes the committee's business, and I ask unanimous consent that staff be authorized to make technical and conforming changes; without objection, so ordered.

And with that, without objection, the committee will stand adjourned.

[Whereupon, at 5:47 the meeting was adjourned.]

## **BUSINESS MEETING**

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**TUESDAY, MAY 9, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:01 a.m. in, room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Rubio, Flake, Young, Barrasso, Cardin, Menendez, Coons, Udall, Murphy, Markey, Merkley, and Booker.

Also Present: Senator Sullivan.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The business meeting of the Senate Foreign Relations Committee will come to order.

Mr. Sullivan, before we move on to your opening statement, we are going to do a little business during the time that you are here. We are just going to open up. We will have a rolling vote at some point during your hearing process. But we want to go ahead and move forward some other nominees.

So today, we will consider three nominations and multiple Foreign Service Officer lists. I want to thank my colleagues for helping the committee work through these nominations and promotions in an appropriate fashion to allow us to take these steps forward today.

Senator Cardin, are there any comments you would like to make?

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Mr. Chairman, for Mr. Sullivan, we are trying to get some confirmed Ambassadors to make your job a little bit easier, so I hope you will appreciate the fact that Chairman Corker and our committee are moving nominations as quickly as possible. One of the things we will ask you to do, if you are confirmed, is to get us nominations a little bit sooner.

But in any respect, we are very supportive of the three nominees that we have here today, and the list I think we are going to take up.

I strongly urge our colleagues, in regard to Governor Branstad, which is a really critical appointment in China, I thought he cooperated with the committee and is fully qualified, and I strongly support his nomination.

The CHAIRMAN. I do not think anybody misunderstood why he had been Governor for 23 years. He was certainly able to answer questions in a way that related to people, and we look forward to his service.

I am going to go ahead and read the names of these nominees and Foreign Service lists and, at the appropriate time, we will have a vote: the Honorable Terry Branstad to be Ambassador to China; the Honorable Tulinabo Mushingi to be Ambassador to Senegal and concurrently to Guinea-Bissau; Mr. Todd Haskell to be Ambassador to the Republic of the Congo; and the five Foreign Service Officer lists, as modified. That will be what we vote on at the appropriate time.

With that, we will leave the business meeting open and move to your hearing.

Senator CARDIN. Mr. Chairman, I have no objection, if you want to start the roll call, so that we can keep it as a rolling roll call, if you would like to do that.

The CHAIRMAN. If you have no objection to that, we have a few members here.

All in favor of this, en bloc, please signify by saying aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. Thank you. We will count those five and recess until a quorum is present.

[Committee stands in recess.]

The CHAIRMAN. We now have a quorum, so with that, I would like to go ahead and have a voice vote, en bloc, for the Foreign Service Officer lists and the Ambassadors that were previously mentioned.

Senator Coons has already signified an aye as he stepped out.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. Thank you so much.

Senator Cardin.

The CHAIRMAN. Before we move on to your opening statement, which we look forward to, would Senators Coons, Menendez, and Young want to register a vote on the nominations and Foreign Service Officer lists, as modified?

Senator MENENDEZ. Mr. Chairman, I have a procedural question?

The CHAIRMAN. Sure.

Senator MENENDEZ. So is the business meeting over? Is it rolling?

The CHAIRMAN. It is going to be over as soon as you vote.

Senator CARDIN. It is rolling.

Senator MENENDEZ. It is rolling. I see.

The CHAIRMAN. It is rolling. That is correct.

Senator MENENDEZ. This hearing started already.

The CHAIRMAN. That is correct.

Senator MENENDEZ. This hearing was supposed to start at 10:15.

The CHAIRMAN. Yes.

Senator MENENDEZ. Is there a way to give members notice of that, for the future? Because I would have been here.

The CHAIRMAN. I think this is probably the first time it has happened in 3 years.

Senator MENENDEZ. I know, I am just saying——

Senator CARDIN. Can I just make a suggestion that, if a member got here by 10:15, on the early bird rule, I would think that would be acceptable for the gavel on the hearing?

The CHAIRMAN. That is perfectly fine.

Senator MENENDEZ. I would like to be recorded as yes.

The CHAIRMAN. Senator Coons.

Senator COONS. Just one sentence. One of the folks who is being promoted through these Foreign Service lists is Andy Herscowitz, who has very ably run Power Africa. He is the coordinator being advanced to minister counselor. I just wanted to commend him and everybody else on these Foreign Service lists for their service to our country.

Thank you, Mr. Chairman.

The CHAIRMAN. Very good, sir.

Senator Young.

Senator YOUNG. Aye. Please record me as yes.

The CHAIRMAN. Absolutely.

With that, the ayes have it. The nominations, appointments, and promotions are agreed to.

That completes the committee's business.

I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

With that, without objection, the committee business meeting will stand adjourned.

[Whereupon, at 10:19 a.m., the meeting was adjourned.]



## BUSINESS MEETING

TUESDAY, MAY 16, 2017

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 5:25 p.m. in room S-216, the Capitol. Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Rubio, Johnson, Flake, Gardner, Paul, Cardin, Menendez, Shaheen, Coons, Murphy, and Kaine.

### OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order. Today we consider the nomination of John Sullivan to be Deputy Secretary of State and two Foreign Service Officer Lists.

I thank my colleagues for allowing the committee to take these steps forward today.

I know that there is concern over the reorganization that is taking place at the State Department, and what that will ultimately look like. I think Mr. Sullivan will bring a wealth of both management and government experience to help the transition go smoothly.

I'm going to stop there.

Is there something you'd like to say sir.

Senator CARDIN. I agree with the Chairman.

The CHAIRMAN. Do we have a quorum?

Senator GARDNER. Yes.[Laughter.]

[The meeting is in recess awaiting the presence of a quorum]

The CHAIRMAN. We have a quorum.

If there's no further discussion of the agenda items, I would entertain a motion to approve all items, en bloc, as modified, by voice vote.

[A Senator's voice.] I so move.

The CHAIRMAN. Is there a second.

[A Senator's voice.] I second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve this nomination and promotions. All those in favor say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed.

[No response.]

The CHAIRMAN. With that, the ayes have it. The nomination and promotions are agreed to.

That concludes the committee's business.

I ask unanimous consent that staff be allowed to make technical and conforming changes, without objection, so ordered.

And with that, without objection, the committee will stand adjourned.

[Whereupon, at 5:33 p.m., the meeting was adjourned.]

## **BUSINESS MEETING**

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**THURSDAY, MAY 25, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:39 a.m., in room S-116, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Flake, Gardner, Young, Barrasso, Paul, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The Foreign Relations Committee will come to order. I want to thank everybody for being here. Our great friend, Senator Cardin, has the benefit of living in a state he can drive to at night, but has difficulty sometimes in the morning with some undue traffic. But we thank all of you for being here, and we hope we will have a very expeditious meeting.

I want to say three things on the front end. First of all, we have moved this Iran vote back to accommodate many members' concerns about the fact that elections were taking place in Iran. And we wanted to take up this issue after the fact, and I was certainly more than glad to accommodate that. I think it has put us in a position now to pass this bill in an overwhelming fashion. But I just want to suggest that it demonstrates the committee's desire to work with people in such a manner that they can get comfortable with a situation due to world events that are taking place.

Secondly, as it relates to Russia, our relationship with Russia is at the lowest point it has been since 1991 for good reason. I think all of us abhor what happened during the election. We have seen the activities in Syria, Ukraine, Crimea, and other places.

Because of the situation in Syria right now, Secretary Tillerson talked to me several weeks ago about the fact that he would like at least to have an opportunity, a short window of opportunity to see if there is any way to change the trajectory in our relationship with Russia. And I talked to Senator Cardin about that. I have also met with Senator Carpo and Senator Brown on the Banking Committee because they also can claim jurisdiction over Russia sanctions.

I went down to the SCIF this week and read intel on our relationship with Russia and what they are doing in Syria. I can just tell you, I see no difference whatsoever. It seems to me they con-

tinue to work against our interests there. But unless Secretary Tillerson can come in early in this next work session and share with us that these things are occurring that are changing the trajectory, it is my sense our committee should go ahead and move quickly to deal with Russia sanctions in this next period of time.

I have shared that with Ben. I know Senator Shaheen had an amendment today. I talked with her yesterday about this.

This has been where we have been for some time, and I think to give a new Secretary of State some time to try to alter that at a time where all of us would like to see an outcome that is different from what is occurring to me was an appropriate thing to do. But like all of you, I believe that what happened during the election is totally inappropriate. I think that Russia has been very nefarious relative to U.S. interests in general, certainly in Syria and in Europe.

Thirdly, I want to say that I appreciate the work of Senator Flake and Senator Kaine on an AUMF. I know they are going to have a press conference today at noon. We have gone through the AUMF that you guys have drafted, and to me, again, it is the best of the United States Senate working in a bipartisan way to come up with something that may, in fact, work. I know at the end of last year with an election coming up, we felt like maybe that was not the right time to take it up.

The administration says they are going to have their ISIS strategy in place by the middle of June. I know that the appropriations bill said they could not draw any more money until they had that in place. But it would be my hope that in addition to dealing with Russia sanctions in the event nothing demonstrably has changed relative to the trajectory in Syria, that we would also during this next work period begin to take up the AUMF that I know people have discussed for some time.

So, I just wanted to say that on the front end. Ben, I am going to make my normal opening comments. My guess is you may want to make some comments now, but I am going to through the standard opening comments.

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Maybe if I could, and I think what I am going to do is defer my individual comments on specific bills to when they are brought forward. So, if I could just respond on the first points, and then I will defer to—

The CHAIRMAN. Okay.

Senator CARDIN [continuing]. If you will give me an opportunity as we bring up each of the bills so we can move this quickly.

The CHAIRMAN. Absolutely. Absolutely.

Senator CARDIN. First, let me thank the Chairman. What he has said is absolutely accurate. We have been working together on Russia since the beginning of this Congress, and we have had different views. And I understand the Chairman's concerns about the administration having an opportunity to present its game plan, and, of course, to see whether, in fact, there is any change in Russia behavior.

We have seen a change in Russia behavior. It has all been bad. It has all been more aggressive and more active. Not only did we what happened in trying to deal with our democratic institutions, we saw that in the United States, we saw it in Montenegro, we saw it in France. We expect we will see some things in Germany. But it is also their geographical aggression in Europe. It is their aggression in the Middle East. It is their human rights violations.

And as a result, as the Chairman knows, legislation was filed very early in this Congress that I authored with Senator McCain and 10 Democrats, 10 Republicans. It is a strong bill. It is a strong bill and sanctions against Russia because Russia's conduct requires a very firm response. And it is in keeping with the traditional balance between the executive and legislative branch, and provides the tools we think for President Trump to make it clear to Mr. Putin that we will not tolerate this type of behavior.

The bill also has a very strong provision in dealing with protecting the democratic institutions of Europe and the United States, and dealing with the propaganda campaign that Russia has waged.

A couple of weeks ago, the two of us met, and you indicated to me that during this work period, you thought we could get together on the second part of the issue, on dealing with the democratic institutions and dealing with the propaganda. And, in fact, we have, and we have on markup today that part of the bill that was introduced in the early part of the session.

I now understand that you believe we can take up the Russia sanction in time during the next work period so that we can take it up early enough so that it could be considered on the floor. And in the tradition of our committee, if we come together, I know that we can work together with the Republican and Democratic leadership in an attempt to get the Russia sanction bill on the floor during the next work period.

And that is the way I think it should work, and I support the Chairman's initiative so that we can attempt to do that. I think it is very, very important that we act on the Russia sanction bill. And I have no illusions that Russia in the next couple of weeks is going to change their behavior. This is the deliberative effort to try to undermine our democratic institutions. But I do look forward to Mr. Tillerson explaining to us the administration's Russian policy, and what he has seen, and his impact on Russian behavior.

The CHAIRMAN. With that, on the agenda today, we have a number of pieces of legislation, a nominee, and two Foreign Service officer lists. We will consider S. 1221, Countering Russian Influence in Europe and Eurasia Act of 2017 that Senator Cardin just referred to. The United States did not recognize territories of Georgia, Ukraine, and Moldova that Russia has invaded and continues to occupy; instead we call on Russia to withdraw its forces and to respect the territorial integrity of these countries. The United States should prioritize its aid and assistance programs in ways that prioritize our allies and the need to address the threats posed by cyberattacks.

Today we will also consider S. 722, Countering Iran's Destabilizing Activities of 2017. I would really like to thank all the members of this committee for working in a constructive, bipartisan

fashion to create this legislation. I think the legislation is a good example of how we can work together to tackle complex and difficult issues.

I was in the SCIF earlier this week, as I have already mentioned, reviewing some intelligence, and it really is astounding what Iran continues to do around the world. For people that are capable of so much, and we have some people here I know who know that, their foreign policy is shockingly counter to their own interests.

We see destabilizing act after destabilizing act from missile launches, to arms transfers, to terrorist training, to illicit financial activities, to targeting navy ships, and detaining American citizens, and the list goes on and on. The bill is the first time Congress has come together since the JCPOA, and said that no matter what we thought about the nuclear deal, we want to address Iran's non-nuclear bad actions.

Finally, I think it is important to recognize the work Senator Menendez has done on this issue. He has been the spiritual leader on this for many, many years, and I want to thank him for his efforts. He is truly an asset, as we all know on the committee, and we are better for it.

We also want to consider S. 905, Syrian War Crimes Accountability Act. And I would like to thank Senator Cardin and Senator Rubio for their leadership on this bill, as well as other co-sponsors on this committee: Senators Young, Booker, Coons, Kaine, Markey, Menendez, Merkley, and Shaheen. This bill sends a strong message to Assad, ISIS, and all those who are brutalizing the Syrian people that they will be held accountable for their crimes, and I am proud to co-sponsor this legislation.

Next is H.R. 601, the Reinforcing Education Accountability in Development, the READ Act. I am voting in favor of the READ Act. It restores our committee's role in providing authorities and direction for a USAID program that has been appropriated without such guidance by our committee for over a decade.

We will also mark-up S. 1141, the Women Peace and Security Act of 2017, which requires the administration to create a single government-wide plan to promote the meaningful participation of women into peace and security efforts. I would like to thank the bill's sponsors in this new Congress, Senators Shaheen and Capito, as well as Representative Noem and our colleagues in the House, for working with us to improve this legislation. And I am pleased that we are ready to move it through our committee.

I would also like to take a moment to recognize our former colleague, Senator Boxer. If you will remember, we committed to her at the end of last year we would get this dealt with, and, Senator Shaheen, thank you for working to get it across the finish line, which I hope will happen today.

Also on the agenda is S. Res. 114, expressing the sense of the Senate on the humanitarian crisis in Nigeria, Somalia, South Sudan, and Yemen. I thank Senators Young and Cardin for this resolution, which calls on the U.S. to lead an urgent and comprehensive international diplomatic effort to address the obstacles in each of these countries that are preventing humanitarian aid from being delivered to those who desperately need it. Senator

Coons and I saw firsthand what is happening there just a few weeks ago, and I thank all of you for pushing this forward.

We will also consider S. Res 18, affirming the U.S.-Argentina partnership, and recognizing Argentina's economic reforms. We thank Senator Coons for this resolution and Senator Cardin for working with us to update the text. After its last election, Argentina is on a good path, and I think we know that. We are impressed with the leadership, and it has been helpful in regard to Venezuela.

We will consider S. Res. 176, a resolution commemorating the 50th anniversary of the reunification of Jerusalem. I would like to thank Senators McConnell and Schumer, Heller, and Graham for offering this resolution. Lastly, I want to thank my colleagues for helping the committee work through nominees and the Foreign Service officer lists in an appropriate fashion.

With that, again, I think you want to wait to speak to each agenda item, but I will recognize you anyway, Senator Cardin.

Senator CARDIN. Well, thank you, Mr. Chairman. This is a rather ambitious agenda. We have a long list. I do have some comments on some of the individual matters. I do support all the items that are on the agenda.

The CHAIRMAN. First and in the interest of time, I would like to ask the committee to proceed to consider en bloc the nomination for Scott Brown, ambassador to New Zealand and Samoa, and the two Foreign Service officer lists before the committee. Senator Cardin, do you have anything you want to say about this?

Senator CARDIN. I support the nomination and the list, and I move that we adopt it.

The CHAIRMAN. If there is no further discussion on this, I would entertain a motion to approve these by voice vote en bloc.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator COONS. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the nomination and promotions.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed.

[No response.]

The CHAIRMAN. With that, the ayes have it. The nomination and promotions are agreed to.

Next, we will consider S. 722, Countering Iran's Destabilizing Activities Act of 2017.

Senator Cardin.

Senator CARDIN. Yes. Thank you, Mr. Chairman. First, let me express my appreciation and support to Senator Menendez and Senator Corker for the manner in which this bill has been handled. The legislation is a hundred percent consistent with our obligations under the JCPOA, an agreement that was negotiated by the Obama administration in which we had a lengthy debate here in this committee and in the United States Senate.

The agreement is going forward. It is in the United States' interest to stay compliant with that agreement, provided that Iran complies with its nuclear obligations. The administration has certified

that Iran has been in compliance with its obligations under the JCPOA, and I want to make sure that the United States maintains its commitment to the JCPOA.

Several months ago, Senator Menendez and Senator Corker introduced legislation, and they were kind enough to share that legislation with me and with others. And we had a lengthy discussion as to whether some of these provisions could, in fact, lead to problematic concerns, and we negotiated back and forth as we should in a—as we should have in an open, transparent process.

To the credit of both Senator Menendez and Senator Corker, they opened up that process to outside experts who understand the nuances of our relationship with Iran, and understand the challenges we have with Iran, not just on the nuclear side, but on the human rights side, on the ballistic missiles side, on the terrorism side, on arms embargo issues.

And we were able to refine the bill to focus on what we were trying to do, and that is that despite the fact that we have an agreement dealing with the nuclear dimensions of Iran, Iran is still carrying out and increasing its activities that are—that are against international norms on the non-nuclear side.

We were encouraged by the people of Iran in their vote yesterday. It was—it was an encouraging vote. I think the people of Iran want an open society. They want a country that will provide economic opportunity for their children and grandchildren. Unfortunately, their leaders are not doing that. Their leaders instead are leading the country in a path that is causing destruction.

So, when we take a look at what they have done, in January/March ballistic missile tests, violating international norms; illicit shipment of weapons to proxies in Bahrain, Yemen, Iraq, Hezbollah in Lebanon, Hamas in Gaza, the Assad regime in Syria.

Last month, I will give you just one example, and there are many examples. The U.S. Navy intercepted a boat carrying 1,500 AK-47s and 200 rocket propelled grenade launchers and machine guns from Iran. The Iran fighters in Iraq are violating basic human rights and are participating in ethnic cleansing. In Yemen, they are supporting the Houthi rebels, threatening U.S. commercial and military ships in the Red Sea. Their cyber activities are well understood to be against and hostile to the United States. They have at least five American citizens in custody today illegally. And the list goes on and on and on.

So, this is not a country that is trying to enter the norms of society. Instead, yes, they have entered into a nuclear agreement on their nuclear weapons, and we want to make sure they comply with the terms of that. But under that agreement, we have full rights, and, I would say, obligations to respond to their other activities. And that is what this legislation does.

Now, there are some amendments that we have agreed to in further consultation with the outside interest groups and members of Congress, who are looking at every aspect of this to make sure that we are on total firm ground. And I thank Chairman Corker and Senator Menendez for the additional amendments that deal with—that is in the Chairman's manager's amendment, will make it clear that the ballistic missile sanctions only go to those individuals or entities that are knowingly directly and materially contributing to

the violations. The human rights activities are only after the effective date of this legislation.

The sanctions under the executive order related to ballistic missiles and terrorism that may be entitled to relief under the JCPOA, but are subject to sanctions that they are still violating ballistic missiles of terrorism, that those determinations will be made in the ordinary course rather than as an additional certification which cause some concerns to some individuals. The enforcement of the arms embargo only against individuals who knowingly participate, and the coordination with the U.S. and EU, we eliminate going back until September 2009.

So, my point, Mr. Chairman, is that this bill has been carefully drafted to deal with the activities that Iran is participating in today. I would urge our colleagues to understand that what this does, it establishes a regional strategy, which is what Congress should require the President to do.

A lot of this, if I might just say for one moment, was included in legislation that I filed on behalf of many of my colleagues shortly after entering into the Iran Nuclear Agreement, both people who voted for and against the agreement, because we recognized that it was not the end of our relationship and problems with Iran by signing this agreement, that there were other issues that we had to be focused on. And all of us agreed on that, and that is why I filed legislation back then.

We now know a lot more. And this bill is surgical to deal with those types of activities so that Iran understands that just because they entered into a nuclear agreement, we are not going to permit them to continue to support terrorism and cause countries to be—stability to be effective, that they cannot continue to violate human rights and ballistic missile tests. That is what this bill is aimed at.

It is the right role for Congress, and I urge my colleagues to support it.

The CHAIRMAN. Any other senator wishing to speak to this issue?

Senator MENENDEZ. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator MENENDEZ. Very, very briefly. First of all, I want to thank you and the ranking member for all of the work that you both put into this along with myself and others who had concerns. And I appreciate all of the efforts to come to this moment.

I think Senator Cardin has laid out a pretty good list of why. I would just simply add that I know that there are colleagues who are concerned about anything we do with Iran because they are concerned that somehow it might infringe upon either the law, and I would say this very clearly, they have gone to great pains to make sure none of this affects the JCPOA, but even the spirit. But I would say the spirit of what I understood was that Iran was going to also move in a different direction, and that certainly has not happened.

So, I am not one to believe that we must refrain from engaging Iran on all of its other maligned activities simply on the altar of the JCPOA. I think that would be a big mistake.

Secondly, if President Rouhani's election is a reflection of the hopes and aspirations we have for the people of Iran, it is based upon the fact really that they want to see a better economy. And

I think it gives him an opportunity to say to those in the country who have a different view, if we want to continue on a path of a better economy, they are going to have move away from all malign activities in order not to face the very consequences that brought us to the table in the first place. And I think this bill does that.

None of this would go into effect if Iran just simply stops those malign activities on ballistic missiles, on terrorism, on destabilizing the region. And so, I appreciate all of the views. I have worked very hard to try to incorporate all of them, and I think we are at a good point in time. I appreciate the leadership of the committee and their support.

The CHAIRMAN. Thank you. Anyone else?

Senator RISCH. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator RISCH. First of all, I am going to support this, but we should not have to do this. Every one of these should have been in the JCPOA. And if they were unwilling to do these kinds of things, we would have known, which a lot of us did know, that they were not acting in good faith.

These people are not people who want to get on the international stage and take a place with the rest of the countries that want to see peace and harmony. These people do not want to do it, and they are showing it now. They never got off of it. The ink was not even dry on JCPOA and they were doing missile tests that violated the U.N. sanctions.

So, I mean, I am going to vote for this, but, again, everybody here is whistling Dixie if you think these kinds of things are going to bring these people to heel. We should have done it all at once or not at all. Thank you, Mr. Chairman.

Senator KAINE. Mr. Chairman.

The CHAIRMAN. Anyone else? Yes.

Senator KAINE. I just want to clarify. "These people," that is a tough, tough phrase. I think we ought to be more specific. You can have concerns about policies, particularly leaders. We have got no beef with the Iranian people. We have got a beef with Iranian people.

Senator RISCH. And I apologize, Senator. I should have made that clear. It is the administration. I think the Iranian people have indicated over and over again that they do want to do what other nations do, but the current regime will not let them.

Senator YOUNG. That is what I construed you to mean, Senator. I thought you meant leadership.

The CHAIRMAN. Yeah, if I could, I actually think this legislation is very congruent with the will of the Iranian people themselves. And it is, in fact, the theocratic leadership that is conducting these malign activities, and I do not think that is what the Iranian people would like to see happen. So, I think we are actually supporting the good people of Iran who want to move in a very different direction by passing and pushing back against the IRGC and others who are conducting these malign activities as part of the old revolution when that is not where the Iranian people really wish to go.

Senator PAUL. Could I just push back very briefly on that point?

The CHAIRMAN. Yes.

Senator PAUL. Most of the Iranian-Americans who are in this country who came in 1979 who have had their land and property taken from them are opposed to this bill. The leadership of all the Iranian-American groups, their policy groups, are opposed to this, even though they had their land, even though they have great opposition to the Revolutionary Guard.

So, I think it is too much to characterize what the feelings of all the Iranian people are, because even from just the Iranian-Americans that I have met here, they are opposed to this bill. They are opposed to sanctions, and they are very supportive of the nuclear agreement.

The CHAIRMAN. Anyone else wish to speak to this? There is an amendment to incorporate much of what Senator Menendez and Senator Cardin referred to relative to refinements to make the bill better. I know that Mr. Szubin had some comments, and we have tried to incorporate the constructive comments that he made. Some of them we did not agree with, but to try to make the bill better, we appreciated his input. Senator Murphy.

Senator MURPHY. Thank you, Mr. Chairman. I just want to make some general comments on the bill now as we move forward. I am going to support the bill with the amendment that is being offered. I thank the ranking member and Senator Menendez for working so hard to smooth out some of the edges of this.

I would just say that while I appreciate the representations of the leadership of this committee that in no way, shape, or form is this bill intended to undermine the JCPOA, there are people inside this administration who want to unwind the JCPOA. And while this bill does not actually give the administration new powers that they did not already have, I think the reticence that some of us have brought to this debate is due to the fact that we worry that this can be construed as a congressional creed endorsement of actions taken by this administration that may not end up not being proportional to the threat posed by the Iranians that may have the intention of trying to unwind the JCPOA.

And I understand the administration has also said up until their intention is to hold to it, but I know that that is a debate that is playing out in real time inside the administration. I think we've—I think we've made this bill much better to make sure that it does not violate the agreement in and of itself, but I would urge the administration to take an abundance of caution in applying sanctions to make sure that it does not give an excuse for either party to walk away from the agreement.

Second, I just want to recognize that we do not have a comprehensive strategy to stop Iran from building up a nuclear weapons program, and an example is what happened earlier this week. Whatever you think about a sale to the Saudis in the neighborhood of \$110 billion, it has the effect of creating an arms race in the region whether we like it or not.

Those ballistic missiles inside Iran, they pose a threat to Israel, but they are primarily pointed at Saudi Arabia. And so, we have engaged in a record level of arms sales to the Saudis between the Obama administration and the Trump administration. And whether that is our intention or not, it has the effect of causing the Iranians to redouble their efforts to build their own missile programs.

That is not an excuse, right? The U.N. has weighed in very clearly on this case, but it is a reality, and I just think that we have to have this debate in that context.

And finally, Mr. Chairman, you know many of us would much rather see a Russia sanctions bill before this bill now ahead of an Iran sanctions bill. It is still, I think, hard for some of us to understand, given the scope of the threat that the Russian interference in this election, that this committee has taken no action to hold Russia accountable for their interference in our election. I know there is a commitment to work on that moving forward, and I know we may have a chance to talk about it later. But that just gives many of us great pause as we move forward on this debate.

But I thank the authors for the amendments that they have made to this. I will support it given those caveats.

The CHAIRMAN. Very good.

Senator RUBIO. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator RUBIO. My apologies, but I wanted to add my voice on this. Three points I would make. And the first is we keep hearing repeatedly that the JCPOA was only about the ability to enrich and re-process, that it did not involve missiles, and it did not involve any of these other things. But, in fact, the Iranian position is that it does. The position the Iranian regime has taken is any additional sanctions on missiles or anything else for that matter, they will consider to be a violation of the JCPOA, which is ridiculous.

And I would also add that there is only reason to have ballistic missiles, and really there is only one reason to have the kind of ballistic missiles they are trying to build, and that is to put a nuclear device on a warhead, or at least to prove that they could, and thereby wind up in the same position North Korea is in today, which is largely immune in many ways from some international pressure because they could blow you up.

And the difference between North Korea, and they are really bad, and Iran is Iran actually has expansionist views of sort of creating a Shia Crescent and a region of influence, and North Korea just wants to survive. That does not excuse them. They are a terrible, horrible threat, but nevertheless, imagine that in the hands of these folks.

The second is I agree 100 percent. I want us to move against Russia. I would say to you that I know everybody—a lot of people here are very concerned. I would say no one is more concerned than I have been, perhaps just as concerned, but no one is more concerned, and I have repeatedly talked about the threat of Russia.

I recall back in October in the midst of my reelection campaign, I was perhaps the only Republican candidate in the country—maybe not—perhaps one of the few who refused to talk about WikiLeaks because I said it was the work of a foreign intelligence agency, and I would not use it against Secretary Clinton or even against my opponent.

That said, that interference in our election is very—it is a really big deal. I want us to address it. I think it is a major threat to our country, but not less of a threat or, I should say, not more of a

threat than a ballistic missile that can reach the continental United States, which is what Iran is on pace to do.

And so, the idea that somehow we should be ignoring that, not to mention the sponsorship of international terrorism. It is not just the sponsorship of international terrorism. It is the sponsorship of proxies throughout the world with some level of deniability who could be activated at a moment's notice to attack and kill Americans and our allies.

And as far as the arms sale, and I know we are going to have further debate on that whether it is today or at another point. I would also say we cannot go around the world telling them on the one hand you must be responsible for more of your own defense against these sorts of threats, but on the other hand not to provide them with the weaponry they would need to address such a threat if presented.

So, ultimately, countries are going to turn to us and say either you provide us the mechanism which we can protect ourselves from this growing threat of Tehran and the Iranian regime, or we are going to go our own way, and we are going to out and purchase this on our own, and perhaps even develop our own native capability and reach an arms race that we have no role to play in.

So, I would just say that irrespective of how you feel about the JCPOA, we were told repeatedly by the administration it did not—Obama administration this did not prevent us from targeting human rights, and ballistic missiles, and support of international terrorism. And the only people who would argue that this is in any way violates the JCPOA is Tehran, and they do not get to decide that because we were told that that is not what the deal included.

The CHAIRMAN. Any other comments? Senator Coons.

Senator COONS. This is a balanced and well-crafted bill. We should move to a vote.

The CHAIRMAN. Thank you.

[Laughter.]

Senator RUBIO. That was exactly what I was going to say.

The CHAIRMAN. As to the collection of comments, look, I appreciate the passions that people have. Just for what it is worth, I mean, I think our goals here are to generate outcomes that are good for our country. And I think the processes that we are going through and the steps we are going through with each of these is being done in a manner to actually generate an outcome. And we will take up the important issues that have been laid out, and we will do so in a manner to try to generate an outcome, not just to express passion, if you will.

First, I will entertain a motion to consider the substitute amendment by a voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the manager's amendment.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendment is agreed to.

Are there any further amendments?

Senator UDALL. Yes. Mr. Corker—Chairman Corker, I would call up Udall Amendment Number 2. And I would ask also consent to put in my full statement because I am going to shorten what I am going to say here with your permission.

The CHAIRMAN. Without objection.

[Senator Udall's statement follows:]

STATEMENT SUBMITTED BY SENATOR UDALL ON S. 722 AND THE UDALL AMENDMENT

Mr. Chairman, Ranking Member Cardin. I thank you for your well-intentioned effort to address some of the legal and technical concerns with compliance with the JCPOA. However, I still have concerns.

First, these changes fall short of addressing all of the necessary issues, particularly with regards to the designation of the IRGC as an entity for sanctions.

This has been proposed by several previous administrations, most recently by President Trump. But even the Trump administration, which has made many confrontational comments about Iran, has not made such a stark designation. And it already has the authority to do so under existing law, there is no need for legislation on the topic.

According to the Washington Post, this proposal was walked back after hearing concerns from defense and intelligence officials who believed that such a sweeping designation—something we have never done against a uniformed foreign military force of a sovereign nation—would have 2nd and 3rd order impacts on our regional goals, including putting troops at risk.

If there is a chance that we could be putting our troops at risk, I think we should be very careful about such a blanket designation.

And I would note that while this bill does not specifically label the IRGC a foreign terrorist organization, it all but accomplishes that through the sanctions that will be required under the bill. In Iran, this may be seen as a distinction without a difference.

I understand that there has been an interagency review of the bill, but at the very least, I think this committee should meet in closed session to hear the arguments from our defense experts regarding the impacts of such a move before we rubberstamp it in this committee today.

Until that time, I also believe that we can at least narrow the designation to something acceptable. I think there is no disagreement about the Quds force and their nefarious activities. So I have introduced an amendment to target this organization versus the entire IRGC.

Second, from a larger foreign policy perspective, I am concerned about the bill itself and its timing.

It has been noted that what we do at this committee has an impact overseas. It sends a message. In this case, after Iran just had a historic election affirming their intention of abiding by the JCPOA, it implies that the United States may not be willing to keep up its end of the deal.

Never mind that the bill technically meets the requirements of the JCPOA.

That nuance could easily be lost on its opponents in Iran who may portray this as a sign that the U.S. is in violation. And forces within Iran may then encourage their government to be more aggressive, risking escalation.

I do not believe that now is the right time to invite the risk of further tension and conflict in a region already exploding with bloody wars, many of which involve the U.S. to one extent or another.

In addition, I believe the committee's focus is in the wrong place. We should be concentrating on the country that has actively threatened the very fiber of our democratic institutions: Russia. Instead of sending a strong message to the Kremlin and passing a Russia sanctions bill—and I applaud and support Senator Shaheen's amendment—we are threatening a key arms control agreement.

As Ambassador Wendy Sherman said: "There's no real consequence to the bill. It's just really a way to say we're tough. Because we can under our existing laws and executive orders, designate virtually everybody who might be covered in this legislation. So why risk the JCPOA for a bill that does nothing that arguably could undermine the JCPOA?"

Iran's ballistic missile activity is a threat and deserves a response. But it has been, and likely will continue to be, sanctioned for that activity without this legislation.

This legislation is not needed to counter Iran, but it increases the risk that the Iran nuclear agreement could be undermined and therefore increases the risk to U.S. forces in the region.

That unbalanced trade-off is why I cannot support this bill as written today, but hope to work with other members to fix some glaring problems that could unnecessarily put our troops operating in the region at risk.

Senator UDALL. I concur with some of the comments that were made earlier. I have just a couple of general comments.

I believe that the JCPOA is threatened as a result of this bill. I think many of the officials that we respect very much—Secretary Kerry, Ambassador Sherman, the people who were involved in the negotiations—believe if—and have issued statements and believe that this bill threatens the JCPOA. And the thing that they point out that I think is so strong is that under current law, everything in this bill can already be done. So, let us not pretend that we are moving forward with something that is that dramatic here.

This amendment that I am calling up deals with Section 5. Section 5 designates the Islamic Revolutionary Corp is a terrorist organization. This is Iran's main military force. We have never done this. This is unprecedented to take a main military force of a country and designate them as a terrorist organization. That provision of law has only been applied to non-state actors.

There have been some very, very serious issues that have been raised, Chairman Corker, in terms of defense and intelligence officials that have—about this provision and designating the IRGC. They have said, among things, that this risks and endangers our troops in the region. They have said it undermines our fight against ISIS, and that it could lead to war with Iran. The one—and most of this has been off the record.

And I would request that we bring these officials in and ask them about this, because the only official that I could find, Lieutenant General Robert Garr, that said these same statements. He said them, and he is retired. I would like to hear from the officials who have said very specifically that they think these three things are at risk and this could have unintended consequences.

So, my amendment goes to this issue. What it does is instead of designating the IRGC, it targets the Quds Force, and everybody knows here what they do and their illicit activities. And so, I would first ask that we hear from defense officials about what the impact would be of designating the Islamic Revolutionary Guard Corps, and I would offer the amendment. And that is my statement.

The CHAIRMAN. If I could.

Senator UDALL. Yeah, please.

The CHAIRMAN. The bill does not name the IRGC as a terrorist organization. It does not do that. It applies terrorist sanctions against them.

Senator UDALL. Right.

The CHAIRMAN. That is an important distinction. And to limit the sanctions only to the Quds Force would eliminate all the nefarious activities that the IRGC carries out through multiple subsidiaries that are beyond just the Quds Force.

So, I oppose the amendment. I appreciate obviously, as always, your point of view, and I would be glad to listen to other comments. But just for the record, we do not name them as a terrorist organization.

Senator RISCH. Mr. Chairman. Would my good friend yield to an inquiry?

Senator UDALL. Of course.

Senator RISCH. When we had this argument about the JCPOA, as you recall, it was spirited. There were—there were a lot of strong feelings on it. We had long hearings and robust hearings. We had both Wendy Sherman and then Secretary of State in here.

And there were a lot of us that were very critical of the negotiations and the fact that they left on the table the issues of supporting terrorism, of missile testing, of human rights, and a lot of other things. And they assured us—they absolutely assured us, do not worry about that. You guys can do whatever you want. This is only—we dealt with only the nuclear aspects of this. Do not worry about a thing.

And a lot of us said, look, these guys are not going to change their ways, and the only way we are going to do this, we are going to have to re-impose the sanctions. And they said this only deals with the nuclear. So, have they not changed their position on what they told us in the committee?

Senator UDALL. No, I do not think they have changed their position. I think what has happened here, and I think they were very straightforward, the officials that came before this committee. They told us that this was targeted at preventing Iran from getting a nuclear weapon, very targeted. They did not in any way make representations about that this was going to solve all the other problems that was Iran was causing in the region.

And so, I think to keep shifting over to the rest of these problems, we have solved a big problem in terms of Iran getting the nuclear weapon. We should recognize that. We should protect it. We should not threaten it. And that is what we are doing today by moving this bill. And we are not even hearing from our defense officials who believe that this designation could hurt our troops on the ground in the region.

Let us not forget, in Iraq there are militias that are fighting with us to take over Mosul, and there are Iranian troops there working with those militias. This designation, I believe this is what they are talking about is that we—this could cause us a serious problem, so.

Senator RISCH. Again—

Senator UDALL. I think I have answered your question. I do not want to prolong this for all the other members, but if you—if you have additional questions. I just—I believe this designation here is a real problem, and I think we should—I think we should really tone it down.

I had another amendment that I am probably not going to offer, depending on how this one comes out. I do not know, Senator Corker, whether you are willing to accept it or not. But it says—it uses language where appropriate—appropriate—parts of the Revolutionary Guard. And if you are willing to accept that, then, you know, we do not need it. I think that would go a ways to help this.

And I just want to say also, as this has moved along, I think there have been other serious problems with this which have been resolved and have moved forward, and there has been a very constructive effort on your part and on Senator Cardin's part.

The CHAIRMAN. Thank you. Does anyone else wish to speak? Senator Menendez.

Senator MENENDEZ. Just very briefly. I would say to my friend and colleague, if, in fact, we took the IRGC and designated them as a foreign terrorist organization, I would agree with you, but we do not do that in this bill. Such a designation would have not only have specific language and statutory references, but consequences of designating it as a foreign terrorist organization would be far beyond those which are included in this bill.

So, I have heard from our military and intelligence leaders as well about having any entity in the world that is a military entity designated as a foreign terrorist organization, and we observed that, and that is why we did not do that in this bill. However, the reason that we addressed the IRGC in its entirety as it relates to the sanctions applicable here is because while we focus on the Quds Force, the reality is that the, as we say in the bill, that the IRGC is the primary arm of the government of the Iran for executing its policies supporting terrorists and insurgent groups.

And while the Quds Force provides material logistical assistance, training, financial support, and other elements, it is the IRGC that at the end of the day is responsible for implementing Iran's international program and destabilizing activities.

So, I agree with you, if we had designated this a foreign terrorist organization, then I would be in not only sympathy with you, I would actually support it. But that is not what we do. So, I think that since they are an arm that clearly pursues Iran's international issues, that to the extent that they are committing any of these acts, they should be subjected to it, which are less than they would have an FTO.

The CHAIRMAN. Would you accept a voice vote?

Senator UDALL. Sure, unless somebody else wants a recorded vote on this.

The CHAIRMAN. All in favor of the Udall amendment, signify by saying aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[A chorus of nays.]

The CHAIRMAN. The noes have it.

Senator UDALL. I am going to ask for a recorded vote.

[Laughter.]

The CHAIRMAN. Huh?

Senator UDALL. I am going to ask for a recorded vote.

The CHAIRMAN. You want a recorded vote?

Senator UDALL. Yeah.

The CHAIRMAN. Okay. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

The CHAIRMAN. No by proxy.  
 The CLERK. Mr. Flake?  
 Senator FLAKE. No.  
 The CLERK. Mr. Gardner?  
 The CHAIRMAN. No by proxy.  
 The CLERK. Mr. Young?  
 Senator YOUNG. No.  
 The CLERK. Mr. Barrasso?  
 The CHAIRMAN. No by proxy.  
 The CLERK. Mr. Isakson?  
 The CHAIRMAN. No by proxy.  
 The CLERK. Mr. Portman?  
 The CHAIRMAN. No by proxy.  
 The CLERK. Mr. Paul?  
 Senator PAUL. Yes.  
 The CLERK. Mr. Cardin?  
 Senator CARDIN. No.  
 The CLERK. Mr. Menendez?  
 Senator MENENDEZ. No.  
 The CLERK. Mrs. Shaheen?  
 Senator SHAHEEN. No.  
 The CLERK. Mr. Coons?  
 Senator CARDIN. No by proxy.  
 The CLERK. Mr. Udall?  
 Senator UDALL. Aye.  
 The CLERK. Mr. Murphy?  
 Senator MURPHY. Aye.  
 The CLERK. Mr. Kaine?  
 Senator KAINE. No.  
 The CLERK. Mr. Markey?  
 Senator MARKEY. No.  
 The CLERK. Mr. Merkley?  
 Senator MERKLEY. Aye.  
 The CLERK. Mr. Booker?  
 Senator BOOKER. No.  
 The CLERK. Mr. Chairman?  
 The CHAIRMAN. No. The clerk will report.  
 The CLERK. Mr. Chairman, the noes are 17, the yeas are four.  
 VOICE. Mr. Barrasso wants to be recorded aye.  
 The CHAIRMAN. Do you want to be recorded aye, Senator Barrasso? I mean, no?  
 [Laughter.]  
 Senator CARDIN. Senator Barrasso, you are—you are going with me.  
 [Laughter.]  
 The CHAIRMAN. Senator Barrasso will be recorded as a no.  
 Senator CARDIN. Often, but not on this particular one.  
 [Laughter.]  
 The CHAIRMAN. Well, listen, thank you. I value obviously your opinions. As far as the accepting Udall 1, begrudgingly no. So, I do not know if you want to propose it or——  
 Senator UDALL. No, no, I'm——  
 The CHAIRMAN [continuing]. Are there any other amendments? Yes, Senator Paul.

Senator PAUL. It has been said in the debate so far that we do not care what Tehran thinks, and if Tehran thinks that this is an abrogation of the nuclear agreement, we just do not care. Well, think about that statement. If we do not care what they think, are we not trying to influence their behavior?

And if they react in one way and they say we are going to get out of the nuclear agreement, I would think that would be a pretty important and dramatic step. I am not saying they will. They might, though, and we ought to have at least have thought through that and at least understand that while we do not agree with their opinion or value their opinion, we do care about it because that is what we are trying to change. That is what trying to change is their opinion on their ballistic missile program.

As I read through the sanctions, you know, there are several areas. And I read through, and I will just tell you what my first thought was, that every one of these areas of sanctions could equally apply to Saudi Arabia. As we look at the ballistic missile section, we see that Saudi Arabia has Dong Feng-3s and -21s. Where are they pointed? Tel Aviv and Tehran. Are these nuclear capable missiles? Yeah.

Our CIA inspected the DF-21s and said they are not currently. But are they convertible? Are they nuclear capable? Yeah, they are nuclear capable and pointed at Israel and Tehran.

So, if we are thinking about, you know, with ballistic missiles we want to influence the behavior of Iran, one, we would have to understand that we do have to care about what they think. We do not have to agree with it, but we have to care about what they think, whether these sanctions will have effect.

I think being unilateral, and Iran has already stated they will, in fact, they will continue, because I think what Iran sees as overriding is really not what we think. We think that the whole world sees everything through our lens. Iran sees much more important what Saudi Arabia does than what we do or what our sanctions say, frankly.

And if the whole world were on these sanctions they might consider them, and I think the worldwide sanctions did influence their behavior, that and the carrot of giving them back some of their money. But I do not think these will have any effect.

I think that if you really, really wanted to get rid of their ballistic missiles program, we should look at who else in the region do they perceive as a threat. I do not think they really perceive us as a threat. We have thousands of ballistic missiles, so—but I do think they see Saudi Arabia as a threat in the Gulf sheikdoms, and they have hundreds of missiles. They see Israel as a threat who has nuclear weapons as well.

So, I think really if you wanted to influence the behavior of Iran, you would include Saudi Arabia in this, too. Let us have sanctions on both on ballistic missiles, and let us say we will remove them when you come to the table to discuss reducing your armaments. Another way of doing it, I think Senator Murphy alluded to, was we offering \$350 billion worth of new weapons and missiles to Saudi Arabia. Perhaps you could say we are going to withhold that offer until we, you know, see if we can get Saudi Arabia to come to the table.

But it is my belief, and it just an opinion, that Iran will never quit developing ballistic missiles unless there is an agreement with Saudi Arabia and/or the rest of the Gulf kingdoms. And so really, I think this is a fool's errand, and I know it is well intentioned, but I think it is a fool errand, and it will not work.

I also think it may have a counterproductive effect in that they may decide that the nuclear agreement is something, and if they pull out of the nuclear agreement, I think we will really, really regret this.

With the second area that I was struck that it would be, with regard to terrorism, that it might apply to Saudi Arabia as well, I was struck by two comments. And one of these is from Hillary Clinton's email to John Podesta where she says, "We need to use our diplomatic and more traditional intelligence assets to bring pressure on the governments Qatar and Saudi Arabia, which are providing clandestine, financial, and logistical support to ISIL and other radical Sunni groups in the region."

So, I do not disagree that Iran has got their hands in everything in the Middle East, but does Saudi Arabia. I am just not so sure which is worse. I think they both have a lot, and, in fact, I think there is a strong argument for saying that internationally Saudi Arabia is more of a menace than Iran as far as promoting hatred of America and promoting teachings of hatred of America. Saudi Arabia is everywhere.

So, with regard to terrorism, I think another statement from another authority I think bears as well. Senator Bob Graham said that, "The ties between the Saudi Arabian government and 9/11 are so multiple, and strong, and reinforcing, that it is hard to come from reading all this material, the 28 pages and all other supporting material, and not feel that there is a support network, and that the support network came from Saudi Arabia."

This has been questioned by a lot of people. I cannot prove that it was, but there is certainly a lot of circumstantial evidence implicating Saudi Arabia in 9/11, the worst terrorist attack ever to happen here. And yet we are fixated on Iran, and we do not understand that much of what Iran does is in response to Saudi Arabia, or vice versa. I do not know who started it first, but they definitely are in relation to each other.

With regard to human rights abuses, I do not question that, you know, Iran is involved in human rights abuses, but anybody tried to go to church in Saudi Arabia lately or a synagogue? You know, anybody try to bring a Bible in? Do you remember when our troops were there and they could not bring a Bible into Saudi Arabia?

Anybody aware of a young man by the name of Ali Al-Nimr? He was arrested, I think, 5 years ago, and he is on death row, but their death row is a little different than ours. You get beheaded and then crucified. I am not sure which happens first, but you get both. You get beheaded and crucified. That is what he is up for.

Might it happen? Well, his uncle was executed. His uncle was a Shia cleric. And there are over—I think there are over 20 people being held currently on death row for protests, for expressing their opinion. So, in Saudi Arabia you do not have the right to associate. You do not have the right to speak your opinion. Women have virtually no rights.

If we are talking about human rights abuses, the girl of Qatif was a 17-year-old woman, and she was raped by seven men. She was arrested by the Saudi Arabian government and given 70 lashes because it was obviously her fault for being in the wrong place and being alone with an unmarried man.

So, as you look through this, there is equal argument really for Saudi Arabia being included in this. There is also the argument that if you were to say this is a two-sided conflict and not just a one-sided conflict, and Iran is wrong on everything and Saudi Arabia is not, that maybe if we realize that it is a two-sided arms race there, that if you were putting pressure on Saudi Arabia maybe by not selling arms to them, perhaps we would have some influence. Perhaps would come to the negotiating table, and instead of new sanctions, we would be talking about a new agreement.

Matter of fact, that is where I would prefer we were today. I think as much as I was not a great fan of the nuclear agreement, I thought if they adhered to it, it would be a good thing. And so far, they do appear to be adhering to the nuclear agreement. They do not adhere to the ballistic agreement, and they will never negotiate, and this is not a prediction. They will never negotiate on it unless you brought Saudi Arabia and the Gulf sheikdoms to the table, and I think that would be a better place for us to be.

But I just think it is important in doing this that we put things in context, and realize that this perhaps does not work, and that if you do want this, if you truly, sincerely want them to stop their ballistic missile system, that it is going to need some kind of bigger dialogue, including all the Gulf sheikdoms.

And with that, I think the likelihood of my amendment passing is pretty small, so I am going to withdraw it

The CHAIRMAN. Are there any other amendments?

[No response.]

The CHAIRMAN. Is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve S. 722, as amended.

Senator CARDIN. Could we just do a recorded vote?

The CHAIRMAN. Recorded vote? The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Portman?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Chairman.

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 18, the noes are three.

The CHAIRMAN. Thank you. The legislation, as amended, is agreed to.

Next, we will consider S. 1221, Countering Russian Influence in Europe and Eurasia Act of 2017. Senator Cardin, would you or any other member wish to speak to this?

Senator CARDIN. Mr. Chairman, I did allude to this a little bit earlier in my remarks in regards to the Russian sanctions and the—its actions. I have already gone through the activities that Russia has participated in compromising our democratic institutions in the United States and in Europe. They directly interfered in Montenegro and France. We are worried about what they are going to do in Germany. We do know about their aggressive campaigning on propaganda, and what they are trying to do in bringing down democratic institutions.

This was included in the legislation I filed earlier this year with 10 Democrats and 10 Republicans. We have worked together to come up with a bill that I believe is a fair compromise. It is a strong bill. It bolsters our cyber defense with Europe. It helps fight corruption, it helps civil societies, and it counters Russia's propaganda with the use of media.

I want to thank Senator Coons for his co-sponsorship on this bill, and I also want to acknowledge the help of many other members of this committee.

Senator PAUL. Mr. Chairman.

The CHAIRMAN. Senator Paul.

Senator PAUL. You know, I was struck by a similar point in reading this as well. If you look at the findings of all the things that Russia has done wrong, I do not disagree with any of them. They in all likelihood have done all of these things. But if you replace the word "Russia" for "China," China would fit in every paragraph, and yet we do not sanction China.

One, they are a great trading partner of ours. Two, we kind of want their help. And if you want someone self-sanctioning, it makes probably less likely they will help you. It does not mean that we acquiesce into what they do. I think we can condemn what they do. But I think sanctions probably does not make it more likely to get peace in the Middle East.

I do think, and the Obama administration said this and others have said this. In fact, many people on both sides of the aisle have said the ultimate peace in Syria is going to be a negotiated peace, and you will not be able to eliminate one side or the other ever. But Russia is going to be a part of that peace whether we like it or not, so do these sanctions make it more or less likely that Russia will be helpful in peace in the Middle East?

I agree with the Chairman's assessment. They probably have not changed their behavior necessarily in Syria, but they are also not going anywhere. They have a naval base there. They have been there 50 years. And unless we want to sanction all of the human rights abusers in the world and include them, you know, if we would like to add China to this and, you know, maybe 2 dozen other countries.

But, and we have had this debate with Tillerson's comments about realism versus what we do, you know, whether our job is to condemn every atrocity in the world, or our job is to try to do what we can to make it a better world, but at the time realizing we are stuck with the world as it is and with the players.

But I once again with this do not think that it will modify their behavior, and actually probably will lead to a less likelihood that we get their cooperation in the near future with finding peace in Syria.

Senator CARDIN. Mr. Chairman, if I could, let me just clarify.

The CHAIRMAN. Yeah.

Senator CARDIN. I disagree with Senator Paul in regards to the effectiveness of sanctions, and we do have global sanctions under Magnitsky for human rights. The bill that we are working on now does not deal with the sanctions. That is going to be a bill we are going to bring up at the next work period. This bill deals with protecting ourselves and European allies. So, it does not deal with attacks—additional sanctions against Russia.

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman. And I agree with Senator Paul on the China concern. Obviously they, in addition to being involved in, you know, traditional efforts of a nation-state, are deeply involved in commercial espionage and the like against this country, and I hope we will address that, too. They are not mutually exclusive.

That said, the fundamental difference, I believe, is the growing body of evidence, and I encourage my colleagues to sit tight as the Intelligence Committee continues to work. And when our work is

done, the full extent of Russian active measures, not just to interfere in elections, but to undermine confidence and integrity of our democratic system is breathtaking. And I think when the American people have a full understanding of it, there will be demands for further action.

And so, one of the things I want to make the point, and I heard you say, Mr. Chairman, is that what we are taking today by no means precludes that additional step down the road.

The CHAIRMAN. No.

Senator RUBIO. Because oftentimes in this process, once you try to come back and do it again the second time, people say, well, we just dealt with that before, why are going to back and do another Russia bill? And I was pleased to hear that.

And the third is the point that Senator Cardin just made, and that is this is largely—these are not sanctions. This is positioning ourselves to protect ourselves and our allies from these measures that are being taken to interfere with the democratic process and to undermine it, and to sow instability and chaos, which speaks itself in terms of what we have seen over the last few months and around the world.

So, I think that is important to understand. This is not sanctions, although many of us wish it were. This is a defensive measure that protects us and positions us to address this because this is not going to stop.

Senator SHAHEEN. Mr. Chairman.

The CHAIRMAN. And thanks for your leadership. Senator Shaheen.

Senator SHAHEEN. Mr. Chairman, I offered the sanctions portion in Titles 1 and 2 of the original bill that was co-authored by Senators Cardin and McCain, both on this bill and the Iran sanctions bill. And I did that because I believe that Russia poses a very direct threat to our national security and to the stability of the transatlantic alliance.

Now, it has been almost a year since we got the first reports that Russia was beginning to interfere in our elections. Back in September of last year, I called for a hearing in this committee. We did not hold that hearing until February of this year.

We heard from all 17 intelligence agencies that Russia interfered in our elections in 2016, and it was not just about that interference and what the outcome of those elections were. It was an effort to undermine confidence in elections in our democracy, and that they were doing it in Europe. As Senator Cardin said, in Montenegro they engineered—almost engineered a coup.

The CHAIRMAN. Right.

Senator SHAHEEN. We saw it in the French elections. We are seeing it in the German elections. We saw it in the Danish elections. And this is part a bigger strategy. And I have sat through hearing after hearing in the Armed Services Committee, in this committee, and the Appropriations Committee where we have heard from expert after expert about what the impact is of failing to address Russia's efforts to undermine our elections and interfere in our democracy.

And I just want to read through a list of these folks. General Breedlove testified before this committee. He is the former NATO

supreme allied commander in Europe. Former DNI director, James Clapper, testified before SAS and before Judiciary in the Senate. Both of those hearings were in May. Former EUCOM commander, Admiral Stavridis testified before SAS.

Current EU commander, General Curtis Scaparrotti, testified before SAS in March. Former FBI Director Comey testified before the House Intelligence Committee. Former acting AG, Sally Yates, testified before the Judiciary Committee. NSA director, Admiral Rogers, who is head of U.S. Cyber Command, testified before SAS. And then this week, DNI director, Dan Coats, and DIA director, General Vincent Stewart, both testified before SAS.

And the testimony which I would like to introduce for the record, Mr. Chairman—

The CHAIRMAN. Without objection.

[The information referred to above is appended to the end of this transcript.]

Senator SHAHEEN [continuing]. Was essentially the same. It was about the threat that Russia poses, and the fact that they will do it again and again and again if we do not take action against them.

And I would like to read, if I could, Mr. Chairman, for the record a statement by Dr. Robert Kagan, who came before the Senate Armed Services Committee last December and talked about this. And he said, I quote,

On the question of Russia interference in the most recent American presidential election, some may not view this as a strategic and national security matter, but it is. Russia interference in Western democratic political process has become a major element of Moscow's strategy to disrupt, divide, and demoralize the West.

The tactics that was recently employed in the United States is already used in elections and referendums across Europe, including most recently in Italy, and will be likely used again in France, which we have seen, and in Germany, which we are seeing already. For the United States to ignore this Russian tactic, and particularly now that it has been deployed against the United States, is to cede to Moscow a powerful tool of modern geopolitical warfare.

Now, I just think if we continue to fail to act, it sends a message not just to Russia, but to North Korea, to China, to all of those who would try and do the same thing to undermine our democracy that, go ahead, you can interfere. You can do whatever you want because we are not going to take action. Well, it is time for us to take action.

Mr. Chairman, I appreciate the fact that you have committed in the next work period to mark up the original Cardin-McCain legislation, and to work to bring that—

The CHAIRMAN. I committed to mark-up Russia sanctions legislation in the event—the probable event—that the Secretary of State cannot demonstrably show us that there is a change in the trajectory in Russia, and we will do that early on. And that is what I have committed to.

And for a committee that prides itself on diplomacy, that is trying to protect the budget at the State Department from cuts, that believes that in solving our world's problems, we want an outcome, and we are going to use diplomacy to do so. We have agreed to give a new Secretary of State a few weeks to try to work this issue through, and to me that is appropriate with the standing of this committee and our whole objective.

So, that is what I have agreed to do. It has been a year, and it seems to me to give the Secretary of State a few weeks to see if he can change that trajectory in Syria is an appropriate thing for this committee to do. And as you know, with the women's bill, the Women's Peace and Security bill we are getting ready to bring up, I keep my word, and you know that. And everybody on this committee knows that.

So, unless, and he has got his representative here—and unless Secretary Tillerson comes in and demonstrably can show us that Russia trajectory is changing, and I do not think he will be able to based on the intelligence I have read, we are going to move ahead with a Russia sanctions bill during this next work period.

Senator SHAHEEN. Well, as I said yesterday in our discussion, I appreciated your consideration of that, and I think it is very important because I believe we are under continuous threat. And as we have heard from multiple experts, they are going to look at our 2018 elections. They are going to look at 2020. They are going to look beyond. And it has a significant impact on the confidence that Americans have in our elections, and that undermines our democracy.

As I said, I am not going to offer my amendment today, but I hope to be able to see this committee take action during the next work period to address this issue.

The CHAIRMAN. Thank you for your advocacy, and thank you for withdrawing your amendment.

I believe we do have some other amendments to be offered.

Senator BARRASSO. Mr. Chairman, I would like to call up Barrasso Amendment Number 1, and the Barrasso-Murphy 2nd Degree Amendment if this is the appropriate time.

The CHAIRMAN. Absolutely.

Senator BARRASSO. First of all, I want to thank you, and I want to thank Senator Cardin. I want to thank Senator Murphy as well as Senator Markey for working with me on this topic. The amendment requires the State Department to work with the government of Ukraine to develop a plan to increase energy security in Ukraine, to increase the amount of energy produced in Ukraine, and to reduce Ukraine's energy imports from Russia. The amendment provides assistance to Ukraine to implement strategies for market liberalization, for effective regulation and oversight, for supply diversification and energy reliability, as well as energy efficiency.

The second-degree amendment adds a critical provision to support efforts to countries in Europe and Eurasia to decrease their dependence on Russian sources of energy. It also ensures the plan for Ukraine includes a strategy to include building energy efficiency and other measures designed to reduce energy demand in Ukraine.

The committee is marking up this piece of legislation today. We all know Russia continues to use its energy sector as a weapon to intimidate and influence, and worse, other nations. Over the years, Ukraine has lived with Russia repeatedly cutting its natural gas supplies, and it is time to act on this. So, I appreciate the consideration of this second-degree amendment as well as Barrasso Amendment Number 1.

The CHAIRMAN. And I think we are trying to bulk some amendments together, including the Risch Amendment Number 1. Do you want to speak to that, or do you want to just—

Senator RISCH. No, I will speak to that very briefly, Mr. Chairman. First of all, let me join with Senator Rubio in urging everyone that—to be patient while the Intel Committee works on the report that we are working on. And we will—we are doing an active and robust effort to produce a report that will define what the active measures were that the Russians took in our last elections.

And I can tell you, it is a very bipartisan effort. Chairman Burr and Senator Warner are at this, I think, full time. The amount of documents that we have looked at is overwhelming. We are in the process of interviewing people, and I think we are going to have a report that will be—that will generate great confidence in this body as to that particular item.

My amendment simply spreads this a little bit over to the European issue. The Russians are doing the exact same thing in Europe and have been some time. Our study in the Intelligence Committee is not going to necessarily going to delve into that very deeply, if at all, and I think it is important that we look at what they are doing with our allies, our partners, other democratic nations. And a lot of it is not even very covert. A lot of it is very overt.

But what this simply does is ask the President through the State Department to produce a report that will focus on and complement what we are doing as far as here in the United States. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Murphy, did you want to speak to this? Senator Cardin?

Senator CARDIN. I just really want to thank Senator Barrasso and Senator Murphy with the second-degree amendment, to Senator Barrasso. This amendment strengthens the bill in regards to regional energy security concerns, and I want to thank both of them. And I support also the Risch amendment.

The CHAIRMAN. Without further discussion, what I would like to do is entertain a motion for an en bloc voice vote of the Barrasso Amendment Number 1, modified by the Barrasso-Murphy Amendment Second Degree to Barrasso Number 1, as well as the Risch Amendment Number 1.

Senator CARDIN. So moved.

Senator MARKEY. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator MARKEY. May I just speak briefly—

The CHAIRMAN. Yes.

Senator MARKEY [continuing]. To a point which Senator Barrasso was making because I think is an important area for us to work on and to talk about. And, again, we just keep coming back to this point that the Ukraine is the second least energy efficient country in the world. It only beats Uzbekistan. That is it.

So, it is clear that if the Ukraine could just reach Poland's, not Germany's, level of energy efficiency, but Poland's, it would back out all of the natural gas imports. So, to the extent to which, you know, we see a problem, it is an addiction. They were given the addiction by low-cost Russian energy for generations, so its infrastructure, its whole way doing of business is all reflected in that.

But at its heart it is an energy efficiency problem they have in the country. They do not have to, you know, reach American or German standards, okay, just Polish. So, that is what really what we should be encouraging them more than anything to do, and to telescope the timeframe that it takes for them to get there. We did it in our country after the two 1970s oil embargos. We had to change our behavior. When it went from 30 cents a gallon to 60 cents a gallon in 1974, and then when it went up from 60 cents a gallon to a buck twenty after the Iranian embargo, we changed. We changed dramatically.

So, they are going to have to do the same thing, and the more they do it is the more we just change the whole dynamic. So, I thank Senator Barrasso for his work and willing to work with me on this because as soon as you get at the core truth, Uzbekistan and Ukraine are at the bottom, then we are really, you know, going to be helping them to help themselves, you know. We just have to, you know, as they say, teach a man to fish, okay. and that is what this is all about. And anything else is just going to continue on the same path.

So, thank you, Mr. Chairman.

The CHAIRMAN. Thank you, and I want to thank Senator Barrasso, Murphy, and Risch for their contribution here.

Do we have a motion to take these en bloc?

Senator CARDIN. So moved.

The CHAIRMAN. By Senator Cardin. A second?

Senator MENENDEZ. Second.

The CHAIRMAN. All in—so moved and seconded.

The question is on the motion to approve the Barrasso Amendment, as modified, Barrasso-Murphy Second Degree, with the Risch Amendment en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendments are agreed to.

Are there any further amendments on this legislation?

Senator Murphy.

Senator MURPHY. Thank you, Mr. Chairman. Just first, I have two amendments, but just first a point of clarification on the commitment that you made to Senator Shaheen with respect to a path forward.

The CHAIRMAN. Okay. Okay.

Senator MURPHY. So, the elephant in the room is that there is a current FBI investigation with respect to whether current or former members of the Trump team were compromised by the Russians. You said you want to wait to give the Secretary of State time to work through some existing negotiations with the Russians.

I just want to make sure we are holding our prerogative as a committee to move on sanctions regardless of what the White House's request is, that we are not going to give them veto power over—

The CHAIRMAN. Yeah. Let me say this. I have had zero conversations with the White House. Zero. This has all been with our Sec-

retary of State in reference to Syria. Russia is isolated by the international community more so than they have in any recent time, and there was a slight window of opportunity from his perspective.

I see no evidence of that being altered personally. I went down into the SCIF this week. Nothing seemed to me to change, but he asked for a few weeks. But we have had no conversations with the White House, none, on this issue. It has all been with Tillerson. We support diplomacy. A few weeks after a year to me did not seem to be detrimental to our efforts, and we are not giving up our jurisdiction on this issue.

Senator MURPHY. Thank you, Mr. Chairman. Do you want to make an additional point on that?

Senator SHAHEEN. Yeah, but if you are done.

Senator MURPHY. I have some amendments, but go ahead.

Senator SHAHEEN. Mr. Chairman, can I just—

The CHAIRMAN. Yeah.

Senator SHAHEEN [continuing]. Make another point? I think we are looking at two different issues. One is the investigations that are going forward in the intelligence committees and the special counsel. That is an issue about a number of things.

But what I was referring to and what I think we ought to be looking at in terms of Russia's activities has nothing to do with what interactions might have occurred or not have occurred between the Trump Campaign and the White House. I think that is a different issue, and what we ought to be looking at is Russia's activities to undermine Western democracies.

The CHAIRMAN. A hundred percent agree. A hundred percent agree. And, you know, I realize that even Syria is not related to that, but I also understand that when you are clamping down additional sanctions regardless of what the issue is, when you are having those discussions, it has a degree of effect. But I stand united with the committee in wishing to address this issue. And I am also glad to give our Secretary of State a degree of time to try to address this in a different way. Senator Murphy.

Senator MURPHY. On behalf of Senator Portman, I would like to call up Portman Number 1, which I am offering with him, and maybe at the same time the second-degree amendment that Senator Cardin is offering to it.

The CHAIRMAN. Without objection, you can bring them both up if Senator Cardin does not object.

Senator CARDIN. That is fine.

Senator MURPHY. So, to my colleagues, in the NDAA last year, we passed authorizing language for a new outfit inside the State Department called the Global Engagement Center. The purpose of the Global Engagement Center would be primarily to push back against Russian-led propaganda.

To the extent that we are—we are also authorizing this funding to be used for those purposes, this amendment seeks to square the language in our bill essentially with the language of the authorizing statute for the Global Engagement Center. So, all it effectively does with the perfect second amendment is to prove some additional guidance on how this funding would be used to counter Russian propaganda, promoting internet freedoms, supporting

independent media, supporting civil society watchdog groups. And I am glad to offer it along with Senator Portman.

The CHAIRMAN. Any other discussion on this amendment?

[No response.]

The CHAIRMAN. Look, I do not know how this is going to turn out. I oppose the amendment because the way the bill is structured is to give priority. What your amendment does is basically do away with that, that instead of prioritizing those things that are most important, to use colloquial language, this sort of creates a grab bag of issues, which to me is not what the bill is structured to do. But each person I know needs to vote their conscience here.

And so, you have offered the amendment. Any other discussion?

[No response.]

The CHAIRMAN. Do you want a recorded vote?

Senator MURPHY. I would ask for a recorded vote.

The CHAIRMAN. Okay. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Flake?

Senator FLAKE. No.

The CLERK. Mr. Gardner?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Portman?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

The CHAIRMAN. Aye by—

Senator CARDIN. Aye by proxy. I'm sorry.

[Laughter.]

The CHAIRMAN. We help each other.

The CLERK. Mr. Udall?

Senator UDALL. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No. The clerk call the roll.

The CLERK. Mr. Chairman, the yeas are 18, the noes are three.

The CHAIRMAN. The amendment passes. Do you want to bring up Portman 2?

Senator RISCH. Very briefly, yes, Mr. Chairman. Senator Portman has asked me to present this, and this is complementary to Portman 1. The heart of this is that it requests that the President designate Ukraine as a major non-North Atlantic Treaty Organization ally. It also deals with some of the other ways in which the sanctions should be handled and taken off, if they are taken off, and how Ukraine should be involved in that.

With that, Mr. Chairman, I will accept a voice vote on this.

Senator CARDIN. I am opposed to it.

The CHAIRMAN. I would point out to people this states Ukraine is a major non-NATO ally. I do not know if that is what we want to do at this time. I just want to make sure people understand that.

VOICE. And a voice vote is fine.

Senator CARDIN. Also, look, I support what Senator Portman is trying to do. This is not the right vehicle to put it on. I would urge our colleagues to reject the amendment.

The CHAIRMAN. Any other statements towards this end?

[No response.]

The CHAIRMAN. We will have a voice vote.

All in favor, say aye.

Senator BOOKER. This is Portman 2?

The CHAIRMAN. Portman 2, yes.

Senator RISCH. Portman 2.

The CHAIRMAN. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[A chorus of nays.]

The CHAIRMAN. The nays have it, and the amendment is not agreed to.

Any other amendments? Yes, sir?

Senator MURPHY. Mr. Chairman, I have Murphy Amendment 1. Mr. Chairman, this is not a new idea, but many of our top groups internationally who have been working to fight corruption have noted that we have no positions within the Foreign Service that are dedicated to fighting corruption. In fact, it is normally our officers who will dedicate a small amount of time towards this endeavor.

And so, there have been a number of proposals to set up a classification of positions which are dedicated to governance, dedicated to fighting corruption. And it would also be a really important signal to the Russians that we are serious about this.

So, this amendment would simply set up a pilot program, authorize a pilot program whereby the State Department could task Foreign Service officers in embassies around Russia's periphery and

the countries named in this act to dedicate their time towards fighting corruption, standing up civil society, working with NGOs who act in this space.

So, I would offer this as an amendment and seek the committee's support.

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Again, I support the principle of this amendment. I am going to oppose it because I just do not believe it should be in this bill. This is a personnel issue, a matter that I would have our committee spend time dealing with when we deal with personnel and priorities for Foreign Service officers. We desperately need what Senator Murphy is suggesting in this amendment. That is why I support the substance. But I, again, do not believe it should be in this bill, and I would urge my colleagues to reject it.

The CHAIRMAN. I am in the same position as Senator Cardin. Any other statements on this amendment?

Senator MARKEY. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator MARKEY. Yeah, thank you, Mr. Chairman. I agree with Senator Murphy. I think that this issue of corruption is right at the heart of almost all of these issues. And, again, I'm just going to kind of come back to Ukraine. You do not get to be the second worst energy efficient country in the world unless your entire energy sector is corrupt to its eyeballs. I mean, just corrupt.

And so, we know that about the Ukraine. It's corruption on stilts. The energy sector is deplorable. What Senator Murphy is saying this is the more that we focus upon countries like the Ukraine, and start to talk about Russia, and have our Foreign Service corps be raising it to the highest level is the more likely we are going to get the core of the governance in these countries.

And I agree with the list of countries that Senator Murphy has listed here, and I would support the amendment. Thank you.

The CHAIRMAN. Any other statements?

Senator MURPHY. I will try my luck at a roll call vote.

The CHAIRMAN. A roll call vote has been requested. I, too, oppose the amendment, but I certainly appreciate the fact that Senator Murphy at the Maidan at a very important time, and I appreciate all of his efforts in Ukraine itself.

The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Flake?

Senator FLAKE. No.

The CLERK. Mr. Gardner?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Isakson?

The CHAIRMAN. No by proxy.  
The CLERK. Mr. Portman?  
The CHAIRMAN. Yes by proxy.  
The CLERK. Mr. Paul?  
Senator PAUL. No.  
The CLERK. Mr. Cardin?  
Senator CARDIN. No.  
The CLERK. Mr. Menendez?  
Senator MENENDEZ. Aye.  
The CLERK. Mrs. Shaheen?  
Senator SHAHEEN. Aye.  
The CLERK. Mr. Coons?  
Senator CARDIN. Aye by proxy.  
The CLERK. Mr. Udall?  
Senator CARDIN. Aye by proxy.  
The CLERK. Mr. Murphy?  
Senator MURPHY. Aye.  
The CLERK. Mr. Kaine?  
Senator CARDIN. Aye by proxy.  
The CLERK. Mr. Markey?  
Senator MARKEY. Aye.  
The CLERK. Mr. Merkley?  
Senator MERKLEY. Aye.  
The CLERK. Mr. Booker?  
Senator BOOKER. Aye.  
The CLERK. Mr. Chairman?  
The CHAIRMAN. No.  
The clerk will report.  
The CLERK. Mr. Chairman, the yeas are 14, the noes are seven.  
The CHAIRMAN. The amendment passes. Are there any other amendments?  
[No response.]  
The CHAIRMAN. Hearing no further amendments, is there a motion to approve the legislation, as amended?  
Senator CARDIN. So moved.  
The CHAIRMAN. Is there a second?  
[No response.]  
The CHAIRMAN. Everybody falling asleep at this point?  
Senator RISCH. Second.  
The CHAIRMAN. Thank you. So moved and seconded.  
The question is on the motion to approve S. 1221, Countering Russian Influence in Europe and Eurasia Act, as amended.  
I do want to say the operational portion of this has been gutted by the Portman amendment. I am going to vote this out of committee, but I am very disappointed that the structure that we negotiated has been done away with. I will vote it out of committee as a show of good faith, even though the bill has been tremendously altered. But I want you to know there will be further discussions about this.  
So, the clerk will call the roll.  
The CLERK. Mr. Risch?  
Senator RISCH. Aye.  
The CLERK. Mr. Rubio?  
Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Portman?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Udall?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 20, the noes are one.

The CHAIRMAN. And with that, the ayes have it. The legislation, as amended, is agreed to.

Next, we will consider S. 905, Syrian War Crimes Accountability Act of 2017. Senator Cardin, would you or any other member like to speak to this?

Senator CARDIN. Mr. Chairman, I very much appreciate your help in bringing this forward. I thank you for your co-sponsorship. I want to thank Senator Rubio for his direct involvement in bringing this resolution forward. I thank Senator Shaheen, Menendez, and Young for their co-sponsorship.

We know that the Assad regime uses cluster bombs, chemical weapons targeting civilian populations. They need to be held accountable for their war crimes. This bill supports the transitional justice, any settlement in Syria, a report to Congress.

There are three amendments that I will offer that I think are non-controversial, and I would urge my colleagues to support the resolution.

The CHAIRMAN. Any other discussion on this?

[No response.]

The CHAIRMAN. I would like to urge that we consider all three amendments en bloc. And did you just motion that en bloc?

Senator CARDIN. I would move that—

Senator MENENDEZ. Second.

Senator CARDIN [continuing]. The three Cardin amendments en bloc be considered.

The CHAIRMAN. Seconded by Menendez. So moved and seconded.

The question is on the motion to approve the three Cardin amendments en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendments are agreed to.

Are there any further amendments?

[No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve S. 905, as amended.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

Next, we will consider H.R. 601, Reinforcing Education Accountability in Development Act. Senator Cardin, would you or any other member like to speak to this?

Senator CARDIN. Just to thank Senator Rubio for his hard work on this. Education is the best tool to lift individuals out of poverty and drive economic growth. Coordinating strategies to expand access to basic education around the globe is in our national security interests. I support the bill.

The CHAIRMAN. If there is no further discussion, I will entertain a motion to consider the Corker Amendment that makes some technical date changes by voice vote.

Senator MENENDEZ. So moved.

The CHAIRMAN. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the Corker Amendment.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendment is agreed to.

Are there any further amendments?

[No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

Senator MENENDEZ. Second.

The CHAIRMAN. Is there a second? Thank you. So moved and seconded.

The question is on the motion to approve H.R. 601, as amended.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the legislation, as amended, is agreed to.

Next, we will consider S. 1141, to ensure that the U.S. promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, and resolve violent conflict. Senator Cardin, would you or any other member wish to speak to this legislation?

Senator CARDIN. Mr. Chairman, I want to thank Senator Shaheen for her patience, tenacity, leadership, and aggressiveness in getting this before our committee. Women are disproportionately affected by violence and armed conflict around the world. They are underrepresented in the peace process. This bill will advance global security, and, again, I thank Senator Shaheen for her work.

The CHAIRMAN. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman, and thank you for following through on your commitment in the last session to make sure that we took this bill up.

I want to give credit to Barbara Boxer, who was the driving force behind this for so many years, and also point out that this is not just good legislation. It makes sense because we know, as Senator Cardin said, that women made up fewer than 4 percent of signatories to peace agreements, and just 9 percent of negotiators according to the Council on Foreign Relations between 1992 and 2011. And we also know that a peace agreement is 35 percent more likely to last more than 15 years if women have participated in the negotiation process.

So, this is good diplomacy, and I appreciate the support from all of those who have worked on it.

The CHAIRMAN. Well, I, too, want to thank you for what you have done here and your leadership. My only request is after we pass this that you please call Senator Boxer and President Carter to let them know this has happened, okay? But thank you so much for your leadership.

Senator SHAHEEN. And I will give you all due credit.

[Laughter.]

The CHAIRMAN. Okay. Are there any amendments?

[No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation?

Senator CARDIN. So moved.

Senator MENENDEZ. Second.

The CHAIRMAN. Is there a second? Thank you. So moved and seconded.

The question is on the motion to approve S. 1141.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation is agreed to.

Next, we will consider S. Res. 114, expressing the sense of the Senate on humanitarian crises in Nigeria, Somalia, South Sudan, and Yemen. Senator Cardin, would you like to speak to this?

Senator CARDIN. I want to thank Senator Young for his extraordinary leadership on this issue of continuously raising this at so many of our opportunities. I want to thank also the co-sponsors, Senators Gardner, Rubio, and Coons. Clearly this conflict-driven famine, 20 million people are at risk of starvation and famine, and I am proud to support this resolution.

The CHAIRMAN. I would like to second those sentiments, and I think Senator Young has two amendments that he would like to offer. I would like to take those en bloc if that is, in fact, the case.

Senator YOUNG. Yeah, just offering two amendments in the nature of a substitute. So, thanks so much, Mr. Chairman, for the opportunity to work with you and your staff on this. Thank you for your leadership, Ranking Member. And staff has been wonderful. And this all emerged out of, you know, our committee hearing, which I credit both of you for holding.

The CHAIRMAN. Thank you.

Senator YOUNG. Let us get this done. I think we have near unanimous for this.

The CHAIRMAN. Thank you. Thank you so much for your leadership on this issue.

Is there a motion to approve the two Young amendments by voice vote en bloc?

Senator CARDIN. So moved.

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the two Young amendments en bloc by voice vote.

All in favor, say aye.

(A chorus of ayes.)

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendment is agreed to.

Are there any further amendments?

[No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. So moved. Second?

Senator SHAHEEN. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. Res. 114, as amended.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the legislation, as amended, is agreed to.

Now, we will consider S. Res. 18, reaffirming the U.S.-Argentina partnership and recognizing Argentina's economic reforms. Senator Cardin, would you or any other member like to speak to this issue?

Senator CARDIN. I would like to thank Senator Rubio and Coons for their work. We had the president of Argentina here. It reaffirms the U.S.-Argentine partnership. I support the resolution.

We have one more after this.

The CHAIRMAN. If you all would just hang one second, I apologize. I understand Senator Coons has two amendments he would like to offer. I would entertain a motion to consider the two Coons' amendments en bloc by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the two Coons' amendments en bloc by voice vote.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendments are agreed to.

Are there any further amendments?

Senator BOOKER. I am going to withdraw my amendment. I have serious concerns about Argentina's responsibilities for state-owned corporations in the United States, but I have been assured that there will be an opportunity to work on this as we move forward.

The CHAIRMAN. Thank you. Thank you so much.

Hearing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

Senator SHAHEEN. So moved.

Senator MENENDEZ. Second.

The CHAIRMAN. Is there a second? So moved and seconded.

The question is on the motion to approve S. Res. 18, as amended.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

Lastly, we will consider S. Res. 176, commemorating the 50th anniversary of the reunification of Jerusalem. Senator Cardin, would you or any other member like to speak.

Senator CARDIN. I want to thank our leaders for bringing this forward. A momentous occasion, the 50th anniversary of the reunification of Jerusalem and our strong support for U.S.-Israel ties. I urge my colleagues to support the resolution.

The CHAIRMAN. Are there any amendments?

Senator RISCH. How can you amend that?

[Laughter.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. Res. 176.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. And with that, the ayes have it, and the legislation is agreed to.

That completes our committee's business. I ask unanimous consent that staff be authorized to make technical changes and conforming changes.

Without objection, so ordered.

And with that, without objection, the committee will stand adjourned. Thank you.

Senator CARDIN. Good work.

[Whereupon, at 11:13 a.m., the meeting was adjourned.]

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## Additional Material Submitted for the Record

SUBMITTED FOR THE RECORD BY SENATOR SHAHEEN

COMMENTS ON THE LIKELIHOOD OF FURTHER RUSSIAN  
CYBER-ENABLED INTERFERENCE IN U.S. ELECTIONS:

*DIA Director Lieutenant General Vincent Stewart*

Moscow will continue to aggressively pursue its foreign policy and security objectives by employing the full spectrum of influence and coercion, including cyberoperations. (Senate Armed Services Committee, May 23, 2017)

*DNI Dan Coats*

Russia is a full-scope cyber actor that will remain a major threat to U.S. Government, military, diplomatic, commercial, and critical infrastructure. Moscow has a highly advanced offensive cyber program, and in recent years, the Kremlin has assumed a more aggressive cyber posture. We assess that Russian cyber operations will continue to target the United States and its allies to gather intelligence, support Russian decision making, conduct influence operations to support Russian military and political objectives, and prepare the cyber environment for future contingencies. (Senate Armed Services Committee, May 23, 2017)

*EUCOM Commander General Curtis Scaparrotti*

Deterring Russia requires a whole of government approach, and EUCOM supports the strategy of approaching Russia from a position of strength

while seeking appropriate military-to-military communication necessary to fulfill our defense obligations in accordance with the Fiscal Year 2017 National Defense Authorization Act. Going forward, we must bring the information aspects of our national power more fully to bear on Russia, both to amplify our narrative and to draw attention to Russia's manipulative, coercive, and malign activities. (Senate Armed Services Committee, March 23, 2017)

Russia seeks to undermine this international system and discredit those in the West who have created it. For example, Russia is taking steps to influence the internal politics of European countries just as it tried to do in the United States in an attempt to create disunity and weakness within Europe and undermine the transatlantic relationship. (Senate Armed Services Committee, March 23, 2017)

*Former FBI Director Comey*

They'll be back in 2020. They may be back in 2018 and one of the lessons they may draw from this is that they were successful because they introduced chaos and division and discord. (House Intelligence Committee hearing, March 20, 2017)

*Former DNI James Clapper*

Russia's influence activities in the run-up to the 2016 election constituted the high water mark of their long running efforts since the 1960s to disrupt and influence our elections. They must be congratulating themselves for having exceeded their wildest expectations with a minimal expenditure of resource. And I believe they are now emboldened to continue such activities in the future both here and around the world, and to do so even more intensely. If there has ever been a clarion call for vigilance and action against a threat to the very foundation of our democratic political system, this episode is it. I hope the American people recognize the severity of this threat and that we collectively counter it before it further erodes the fabric of our democracy. (Senate Judiciary Subcommittee hearing, May 8, 2017)

*Dr. Robert Kagan, Brookings Institution*

Finally, there is the question of Russian interference in the most recent American presidential election. Some may not view this as a strategic and national security matter, but it is. Russian interference in Western democratic political processes has become a major element of Moscow's strategy to disrupt, divide, and demoralize the West. The tactics it has recently employed in the United States it has already used in elections and referendums across Europe, including most recently in Italy, and will likely use again in France and Germany. For the United States to ignore this Russian tactic, and particularly now that it has been deployed against the United States, is to cede to Moscow a powerful tool of modern geopolitical warfare. It is extraordinary that the United States government has taken no act of retaliation. And it is unconscionable, and an abdication of responsibility, that Congress has not launched an investigation to discover exactly what happened with a view to preventing its recurrence in the future. One hates to think that because the Republican Party was the beneficiary of Russian intervention in this election that as the majority party in both houses of Congress it has no interest in discovering the truth about the foreign government's assault on American democratic processes. (Senate Armed Services Committee, December 6, 2016)

*Former Acting Attorney General Sally Yates*

The efforts by a foreign adversary to interfere and undermine our Democratic processes and—and those of our allies pose a serious threat to all Americans. As the intelligence community assessed in its January of 2017 report, Russia will continue to develop capabilities to use against the United States and we need to be ready to meet those threats. (Senate Judiciary subcommittee hearing, May 8, 2017)

*General Philip Breedlove, former NATO SACEUR and U.S. EUCOM Commander*

But to the—the latter concern, I think it's important when we deal with Russia that we are consistent, that we either do not reward bad behavior or that we don't let that behavior go unaddressed. (SFRC Hearing, February 9, 2017)

I think shocking is how far they believe now they can get away with this in our nation as witnessed in what happened in the election. And so your

initiative would be a tool to take the field to counter this war between the line or below the lines. I do not believe that we in NATO, the European Union, or the west in general have really come to an understanding of how we're going to react this—to this war by indirect means or war below the lines, cyber, disinformation campaigns, coercion with force, all of it lumped together in this war. We need a broader approach to how we counter it. (SFRC Hearing, February 9, 2017)

Part of what happens here is Russia puts out a lot of disinformation that they really don't care whether learned people seeing as being false. And what I haven't seen among the western nations who are under this attack is a strong unified voice of indignation, outrage, and to bring force to this. We see parcel penny packet responses that don't come strongly either in a policy sense or in just a public message sense. And I think that the west who is under attack here needs to bring this together to out the behavior and then try to erode that base of people that want to believe them. (SFRC Hearing, February 9, 2017)

The cyber thing is even more scary to me because we haven't really defined what is an attack. We haven't really defined policies that say how we're going to respond. We still—I will use the we of NATO—we still shirk from thinking about offensive cyber and only think of defensive cyber when our opponent has taken the gloves off completely. And so I'm a little more scared, Senator, about the cyber thing because we really haven't got a framework yet by which to address it. (SFRC Hearing, February 9, 2017)

*Admiral Jim Stavridis, former U.S. EUCOM Commander*

I will just add a way to think about this is the old saying if you live in a glass house, you should not throw stones. I do not agree with that in this case. We do live in a glass house. I think we need to throw a few stones, or we are going to see more and more of this and it will ratchet up over time. (Senate Armed Forces Committee Hearing, May 11, 2017—when asked what will happen if the U.S. does not take action in response to cyberattacks on our country)

*Former DNI James Clapper*

I worry about the worst case, which is an attack on our infrastructure. And I think the Russians particularly have reconnoitered it and probably at a time of their choosing, which I do not think right now is likely, but I think if they wanted to, they could do great harm. (Senate Armed Forces Committee Hearing, May 11, 2017—when asked about the most worrisome current or potential cyber threat to the U.S.)

*U.S. Cyber Command Commander and NSA Director Admiral Rogers*

We need to look at this end to end and ask ourselves what changes do we need to make in this structure. I think we also need to make it clear to those nation states or groups that would engage in this behavior it's unacceptable and there's a price to pay for doing this...it's one of the reasons why deterrence becomes so important. The goal should be we want to convince actors you don't want to do this, regardless of whether you could be successful or not, it's not in your best interest and you don't want to engage in this behavior. (Senate Armed Forces Committee Hearing, May 9, 2017—when asked about the most worrisome current or potential cyber threat to the U.S.)



## **BUSINESS MEETING**

**THURSDAY, JUNE 7, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 2:15 p.m. in, room S-216, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

I want to thank everybody for accommodating this meeting.

Today we will consider the nomination of Bill Hagerty to be U.S. Ambassador to Japan.

I can say first hand that I've known this guy for years, and I'm telling you that he's probably the most qualified Ambassador that we're going to be nominating and sending to Tokyo.

He's going to serve us well as it relates to the U.S.-Japan alliance. I would say in particular, especially since TPP is not going forward at this time, having someone like him in Japan is going to really accrue too our benefit.

I've known him; I've worked closely with him. He was an economic development officer for Tennessee, which is one of the fastest growing jobs States in America.

And with that, Senator Cardin, I know you have some comments you'd like to make, and I appreciate your accommodating this.

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. I had several questions for the record for Mr. Hagerty, as part of our committee vetting process, to make sure that I was satisfied that he's a person who can exercise sound and appropriate judgement.

In addition to his views on policy matters, I asked him questions for the record on his position as a volunteer in the role as the director of presidential appointments for the Trump transition team, about his role in bringing on board Michael Flynn, as well as Sebastian Gorka, and I understand I was not alone in my concerns.

Senator Corker also asked questions for the record along those lines.

Mr. Hagerty and I met in my office, and in that meeting I asked Mr. Hagerty if he had any involvement in these matters. He said he did not.

Mr. Hagerty described to me the work he did as part of the transition team. He told me he was focused on Cabinet-level nominees and helping Cabinet members get their agency teams together. Mr. Hagerty told me he was not involved in the White House appointments, which were handled by the White House Chief of Staff.

He told me he was not involved with and did no work on the Flynn appointment. He told me he had no contact with Mr. Flynn before he was selected as National Security Adviser. He did have contact with Mr. Flynn after he became National Security Adviser.

He told me he has never met Sebastian Gorka and was not involved at all in his selection.

Based on my review of his file, as well as his personal record and achievements, as already mentioned by the Chairman, I believe he is well qualified to serve, and I will support his nomination to be Ambassador to Japan.

I'd also like to add one additional point, unrelated to the agenda before us. And that is, since our last meeting the Trump administration has indicated that they are looking at releasing some of the properties that were taken from Russia. One of the compounds is located in my state.

I mention that because we put on hold the review statute that we had introduced early in the session because we were under the impression that the Trump administration was not considering any reductions of sanctions.

So, I think it's now important that we put on a fast track the review statute that Senator Graham and I had filed.

We may be taking up Russia sanctions in the Iran bill, and I hope that between now and next week we'll have a chance to talk about this in additional sessions.

The CHAIRMAN. If I could say three things, and then we'll vote.

Number one, Ben and I are sitting down today at 3:30 to talk through some of the Russia issues, and hopefully we're going to end the meeting with a successful completion.

Number two, we plan to pass—I know some of the Democrats, in particular, were concerned about moving to an Iran bill without a condolence of some kind, given that Iran expressed the same sentiments after 9/11—we're going to work one out today and hopefully pass it on the floor.

And, number three, again with Hagerty, I know that some people had asked some questions that he was unable to answer, but I can tell you he was part of the professional transition team.

I think you all know that there's a government-funded transition team that each side has. That's how his involvement came about. So you can all be very comfortable.

Senator CARDIN. To make it clear, he did answer those questions, directly, in my office in a very open manner.

The CHAIRMAN. He's been precluded from doing it in writing.

I'd like to ask for a voice vote. And for those who'd like to be recorded no, we're glad to do that.

[A Senator makes a motion.]

The CHAIRMAN. Is there as second?

[A Senator seconds.]

The CHAIRMAN. So moved and seconded.

All in favor of this nomination moving to the floor, please say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed.

[No response.]

The CHAIRMAN. None opposed. It passes unanimously. Thank you.

With that, and there being no objection, the committee stands adjourned.

[Whereupon, at 2:25 p.m., the meeting was adjourned.]



## **BUSINESS MEETING**

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**WEDNESDAY, JULY 12, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:11 a.m. in, room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Young, Isakson, Cardin, Menendez, Shaheen, Coons, Murphy, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. What we have today is a business meeting that will consider the nomination of Mark Green to be the USAID Administrator, as well as the promotion of five Foreign Service Officer lists.

Ambassador Green has had a long history in both public service and international development. His expertise will serve him well in this position, and I fully support his nomination.

Senator Cardin, do you have any comments you would like to make?

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Mr. Chairman, I strongly support Mr. Green's nomination. His experience as a congressman, his passion for human rights and democracy, he is the type of individual that we want to head the USAID. His championship on behalf of the PEPFAR program, his Ambassadorship to Tanzania, it is an impressive list. But more importantly, I think he is the leader that we need at this time at USAID, and I strongly support his nomination.

The CHAIRMAN. Is there any further discussion?

Senator RUBIO. I, too, strongly support his nomination, Mr. Chairman.

And I fully respect the right of all those here in the Senate to utilize all the rules at our disposal to state objections to public policy and the like. I hope that in the case of Mr. Green, in particular, that we would see to it to quickly and expeditiously move him to passage. These programs are important to our country, and I think he would do a phenomenal job in that post.

So I hope this can move very quickly. I cannot imagine a single member of the Senate voting against him.

The CHAIRMAN. Thank you.

Any other comments?

I would just, in general, say I know there are some things underway, and I hope that once the things that are underway end, we can move. I think they have to file cloture on an Ambassador to Japan. It is a sad state for all of us. I also think that may change soon, and I hope that it does.

Senator CARDIN. Mr. Chairman, I really appreciated Senator Graham's observations on how this committee works. When President Obama was the President, and you were chairman of this committee, you moved his nominations through this committee very quickly and very thoroughly, in the proper manner. I intend, as ranking member, to do everything I can to accommodate the efficient handling on this committee of nominations from President Trump.

I think you would acknowledge that we have done that.

The CHAIRMAN. That is right.

Senator CARDIN. Both of us have challenges on the floor. In the last Congress, we had challenges on the floor moving nominations through, because, in some cases, individual Members objected. In other cases, the Majority Leader was not willing to give floor time to nominations. We have problems now.

I agree with you. I think when we have these nominations, we want to get them confirmed as quickly as possible. And I certainly will work with the Chairman to try to accommodate them.

The CHAIRMAN. Thank you.

If there is no further discussion, I would like to entertain a motion to approve all agenda items by voice vote.

Senator RUBIO. So moved.

Senator COONS. Second.

The CHAIRMAN. So moved and seconded.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The nomination and promotions are agreed to.

That completes the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

With that, and without objection, the committee will stand adjourned.

[Whereupon, at 10:15 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

**THURSDAY, JULY 27, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:10 a.m., in room SD-116, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Paul, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. Thank you. The business meeting of the Senate Foreign Relations Committee will come to order. I want to thank everybody for the way that we have vigorously worked with each other over the course of the last several months.

For the third consecutive year, we are meeting to mark up the State Department authorization bill, which shows that this committee has returned to taking seriously its responsibilities for overseeing and authorizing the State Department.

I want to make just a general statement. This authorization process I realize is not particularly satisfying because we have to operate in a unanimous consent environment. It is just not satisfying, I got it. But our goal is to build out the authorization broad enough to where we have time on the floor exactly like what happens with the NDAA.

Once that occurs, then we moved from permissive type things to mandating, and we moved to a place where people are voting up and down on the floor because you have got a real bill, or up and down in committee because you have got a bill that is actually directing policy at the State Department. So, again, this is not fun. I mean, people would rather weigh in far more strongly on issues.

But, this is not going to improve to the next chairman. Do you understand? I mean, the likelihood is this takes another year or two to build out, and someone else leading this committee will benefit from all of our work, as will all our committee members. But—look, it is not fun. There are things that I would like to weigh in and, by gosh, say this is the way it is going to be at the State Department. But when you are operating in a unanimous consent environment, it is difficult to do those things.

So, I want to thank everybody for cooperating with us, and getting us to a place that hopefully in the next year or two, we have got a bill on the floor for ten days where people on this committee are driving, mandating policies within the State Department, so thank you. And people have been very cooperative. And, again, it is kind of like I can use an old adage that I will not use, but it is not that much fun, I realize.

Senator SHAHEEN. Mr. Chairman.

The CHAIRMAN. Yes, ma'am? I am still giving opening comments, but go ahead.

[Laughter.]

Senator SHAHEEN. Oh, well, when you are finished, I was hoping that maybe I could make a statement because I have to go to Appropriations.

The CHAIRMAN. Well, go ahead.

Senator SHAHEEN. I just wanted to thank you and Senator Cardin for working with me on the Office of Global Women's Issues and on the ambassador's position. I know that there was concern about that, and I appreciate that we were able to get an agreement in the manager's amendment.

And I wanted to just explain, because I will not be here when we adopt the manager's amendment, to tell people why I feel so strongly about the importance of having an ambassador to head that position, because as I heard from the most recent ambassador, Melanne Vermeer, this office existed under both the Clinton and the George W. Bush administrations, but it was not until she was appointed that it was raised to the level of ambassador.

And what she says is that because it was not in the line of authority that provided credibility, there is—the purposes of authority on these issues within our government and the role that it represented or in relations with other governments multilateral is a Senate confirmed ambassador made all the difference. She says, "I attended senior staff meetings at State, which sent a signal that gender issues can impact the effectiveness of our policies and programs, no matter the area, from economics to security." She says, "Either we are serious about these issues, or we are not," and that is sort of my view. And I think that is what having that ambassador position allows us to do.

So, I very much appreciate your working with us, and Senator Cardin's engagement, and the support from Senators Rubio, Isakson, Senator Menendez, and everybody on both sides of the aisle that worked on this.

The CHAIRMAN. Well, I appreciate you working both on the flexibility of using more permissive-like language. I think you have won the day on this issue. And, again, I want to thank everybody for the way they have worked with us.

Getting a version of our last two State Department authorization bills signed into law at the end of last year and what we will do today demonstrates this committee's role in protecting our country's national security and advancing its interests. It also lays a strong groundwork for a more robust authorization bill in the future.

There have been concerns about passing a State Department authorization in a bill when the Department is considering reorga-

nization. I have heard it loud and clear. I think exercising our oversight in this way actually prepares us to engage more meaningfully, especially with some of the amendments that have been added, meaningfully in the redesign process as it unfolds.

Committee members will have their own opinions of the State Department's proposals to redesign itself, and some of those proposals will require legislation to implement, and we will talk about that later. With three consecutive State authorization bills under our belt, I am confident in our ability to address those issues in our next bill.

However, for this bill, and we worked to add all kinds of amendments into the manager's package, the ranking member and I have agreed to vote against any amendments that are not in the manager's package just to cooperate in trying to get a good bill across the floor. And I thank Senator Cardin for his willingness to do that.

The bill before us is a package of good government reforms and the product of extensive research, creative legislation and careful negotiation. It gives our committee a role in the State and USAID's redesign effort, and improves their strategic planning efforts, and institutes a host of embassy construction reforms aimed at getting our people into more secure facilities faster and at less expense to the taxpayer.

It reins in proliferation of special envoys in the Department—I think there are 68 of those—which has been so harmful to the morale and productivity, and enhances the Department's data collection efforts to optimize its workforce. It restructures certain special cases to be more responsible to the preferences of Foreign Service officers, and gives them and their family members more options for visiting each other while they are separated due to difficult assignments. It helps the Department protect its IT networks from intrusion and secured classified information. It seeks to improve the effectiveness of public diplomacy programs, and it improves the State Department's efforts to fight corruption worldwide.

I especially want to thank the subcommittees for the subcommittees for their contributions to this bill. I would like to thank especially Senator Cardin for helping us advance another bipartisan authorization through committee. We are determined to get this bill signed into law and to continue the good oversight work of this committee through the ongoing authorization process.

We will also consider a number of nominations today. I want to thank my colleagues for helping the committee work through these nominations in an appropriate fashion, and allowing us to take these steps forward. I truly appreciate the bipartisan effort made today.

Lastly, I want to say a few things about Section 301 in the State Department bill, the section dealing with special envoys. Because there are different categories of envoys, I think it is important that we all are on the same page about what this provision does. First, none of the special envoys that are mandated in the law, such as envoys for anti-Semitism, North Korean human rights, and ambassador-at-large for religious freedom, et cetera, are modified in any way, except that we add advice and consent to the three of those that we don't already have in that capacity. The only exception to

that is the special envoy for Burma, because that position was created before we had diplomatic relations with the country. And since we have an ambassador there now, we are just cleaning up the Code in that effect.

Second, none of the seven permissibly authorized envoys, such as the envoys for Global Women's Issues, Disability Rights, and South Sudan, are modified or eliminated in any way, except that we require advice and consent for those positions as well. And, Senator Shaheen, we modified the manager's amendment to address the issue she just spoke to.

In fact, this bill reauthorizes the Offices of Global Women's Issues and Disability Rights for the first time in well over a decade. It also reinforces our view that these issues should remain priorities for the administration while giving the Secretary of State the flexibility to place the person who handles them where it makes the most sense in the Department.

Now, on 47 administratively created envoys, this provision has two key components. It forces the Department to analyze each one independently to determine if the position is still necessary, and, if so, where in the Department it should be placed. It reasserts the constitutional prerogative of the Senate to give its advice and consent to the officers that are wielding significant authority, something that we have all had concerns about. As these positions have proliferated, the individuals who hold them represent the United States in key negotiations, allocate millions of dollars, and set policy for the Nation, all without proper Senate oversight.

As reflected in the listening tour report commissioned by Secretary Tillerson, the professional staff at the State Department believe these envoys do more harm than good, not every single person, but as a group. Their proliferation leads to divided policies, an unclear chain of command, a waste of resources. And while some envoys that currently exist may need to remain, we are putting a systematic approach for the administration to inform this body as to why we want to keep them.

I also want to make it abundantly clear that all 47 of these envoys are being treated equally. It is not presupposed that any of them should be eliminated. Furthermore, it does not prevent any from being created in the future if the Secretary sees fit. It also allows a Secretary to immediately appoint a special envoy to address an emergency situation, as long as the name of that individual is submitted to the committee within 90 days.

And this provision is also foundational. After we receive a full report of the proposed redesign, the subsequent State Department bill will be much more concerned about the structure of the Department. We will be able to determine the future of specific entities with greater clarity about the direction the administration intends to go.

I know you have some comments. Thank you all for letting me go through that prolonged opening statement. Senator Cardin, thank you and so many others for allowing us to be where we are, but especially you and your staff.

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Mr. Chairman let me just complete the special envoys, and then I will go back to some opening comments, if I might.

Thank you for your explanation. I share your interpretation of Section 301 and the clarity that it provides to the offices and positions of the special envoys and representatives where Congress has expressed its voice, and views, and legislation. As you know, it was important to me and to many members on my side that these offices where Congress has expressed our views not be subject to possible administrative elimination by the Secretary. So, I appreciate you working with us to ensure that we have a good structure to protect these envoys.

I would like to add, Mr. Chairman, that currently all these positions are subject to elimination by the Secretary of State without any congressional input. So, the process that we put in place in this bill calling for a report and then within a period for Congress to review the Secretary's recommendation before they go into effect, and to engage with the Secretary, or offer legislation, or take other action if we have different views, provides an important mechanism for Congress and for this committee to help play a role in determining the future of these special envoy positions. This is significant, in my view.

Mr. Chairman, let me, if I might, just on an overview of the—of our agenda for today. I strongly support the authorization bill that has been presented to our members today with the manager's amendment. As Chairman Corker has said, it is our responsibility, one of our principal responsibilities as oversight, and this bill carries out that very important responsibility. The chairman had a very open and transparent process in the development of this legislation. Our subcommittees worked and had input, and much of that input is reflected in the—in the legislation that is before you.

I share the Chairman's view that we need to get beyond this consensus type State authorization bill that we have done now, hopefully, in the 3 consecutive years. This committee needs to use the same type of process that the Department of Defense, the National Defense Authorization Act, the Armed Services Committee uses for taking up authorization bills. That means we can be bolder in this committee and offer amendments that can be challenging, that may not have consensus, but are the right role for this committee. And we have confidence on the floor of the United States Senate that we can defend that bill and take amendments on the floor of the United States. That to me is where we need to be sooner rather than later. And I hope that this process that we have started under Chairman Corker's leadership can lead to that in the very, very near future.

This bill contains some very important provisions, and I just wanted to go through them quickly. First, in reorganization. It does allow our committee and the United States Senate to have feedback and influence in the process before decisions are made. Without this legislation, we do not have that process. And I want to thank all members who added to that, but I particularly want to thank Senator Merkley.

One of the last additions to the manager's package will extend the time for our review, and Senator Merkley was instrumental in getting that done. Senator Shaheen was also very much involved in making sure we have an effective review process so that we can have our input.

I want to thank almost every member of this committee for expressing your preferences and getting on the front end some very important priorities. We already talked about the Office of Global Women's Issues and Senator Shaheen's amendment on the ambassadorship, International Religious Freedom, Bureau of Democracy, Human, Rights, and Labor, Bureau of International Narcotics and Law Enforcement, Office of Disability Rights, the status of USAID. I want to thank on our side Senator Menendez and Shaheen for raising that issue. We have certainly an intent that is expressed here that we expect that office to remain at the Department of State.

Embassy security and construction, and Senator Shaheen picked up, I think, some very important improvements in that. The science and technology fellowships at the State Department. Separated families. That may not appear to be an important issue that we are dealing with, but if you are part of the Foreign Service family, being able to visit family is an important issue, and we take care of it in this bill. So, there are issues that may not appear to be big, but they are important that we are able to move.

I want to talk a moment about diversity and thank Senator Booker for his real leadership on this issue. We introduced legislation, the National Security Diversity and Inclusion legislation. Senator Menendez, Senator Coons, and Senator Shaheen were also very much involved in developing that legislation.

A good part of that is included in this bill, and I just urge members of this committee to look at how our State Department does not represent America, let alone the universe, and we have to do a much better job in recruitment and training. And if you read what is included in this bill, we have—we have the training. We have the exit interviews. We have the commitment for a game plan, the recruitment. It is a major step forward with our voices on the diversity within the State Department.

I particularly want to thank the Chairman for including in here legislation that Senator Rubio, Merkley, Booker, and myself authored combatting global corruption, which deals with establishing a process similar, not identical, to the Trafficking of Persons, to start to get reports on all countries globally and what they are doing to fight corruption. But then, more importantly, targeting USAID efforts to deal with those corruption, having point persons at every mission around the country that have to concentrate on the anti-corruption, and having a coordinating council. I think we are making a major step forward in fighting corruption.

The bill has shortcomings. I would be the first to acknowledge it. There are certainly disappointments that we could not do more, and there is certainly uncertainty as to what is going to happen within President Trump's and Secretary Tillerson's actions. The absence of this committee taking action to me would be more challenging for us to have input than if we—if we do not take any action at all would be, I think, worse.

So, I just urge us to recognize that this gives us the framework to be able not only to do our responsible work in the first year of the Trump administration, but to put us on the right path to what the role of this committee should do.

Lastly, Mr. Chairman, let me just talk quickly on the nominations. I am supporting all the nominations, except for Mr. Murray and his appointment to the United Nations. His offensive comments, to me, are unacceptable, and I will vote against his confirmation to be our representative at the United Nations.

And then, one last point, and I think some of you have heard me talk about this before, the vacancies within the Department. We are going to act today, and we have acted very quickly, and I thank the Chairman. I have certainly tried to cooperate with him to move nominations through this committee as quickly as possible.

I got a staff del report, which I get from whenever a staff member goes on foreign travel, and this staff member went to the Democratic Republic of the Congo. And it ends with this: there are lots of problems in the Democratic Republic of the Congo—

VOICE. It is going to be a long report.

Senator CARDIN [continuing]. Yeah, there are lots of problems there. But the report ends with this comment: “There is no senior director for Africa at the National Security Council, no assistant secretary of state for Africa, no USAID assistant administrator for Africa, no ambassador to the DRC, no special envoy for the Great Lakes.” Who is there to manage the policy? We do not have them in place. There are 129 positions, Mr. Chairman. We are talking about adding some more envoys. There are 129 positions that are subject to the advice and consent of the Senate, and 88 of those are totally vacant today.

So, we—this administration has not given us and not given the State Department the tools they need to carry out their job. And I am pleased that we will confirm some—recommend some confirmations today, but let us make it clear. I have heard President Trump blame the Senate for not moving his appointments. President Trump has not made the nominations.

The CHAIRMAN. We could move the noms and then move to comments on the authorization. I will do it in whatever way you wish. I see Senator Menendez, Coons, and others. Would that be an okay thing to do to move that out? And what I would like to do is hold over Mr. Murray. I realize based on the way things are that, especially with Senator Rubio not being here, that that would be the most productive thing to do.

So, what I would like to do, I would ask that he be held over, and to entertain a motion to approve all nominations except his en bloc, including the Honorable David Steele Bohigian, the Honorable Kay Bailey Hutchison, the Honorable Luis Arreaga, Mr. Ray Washburne, Ms. Kelley Currie, Ms. Callista Gingrich, Mr. Nathan Sales, Mr. George Glass, Mr. Carl Risch, Ms. Sharon Day, Mr. Kris Urs, Ms. Kelly Craft, Mr. Woody Johnson, and Mr. Lewis Eisenberg.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

VOICE. Second.

The CHAIRMAN. Any comments?

[No response.]

The CHAIRMAN. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

Senator CARDIN. With that, the ayes have it, and the nominations are agreed to.

Next, we will move to the State Department Authorization Act for Fiscal Year 2018. I know you have made comments. Do other members wish to speak to this? Senator Coons.

Senator COONS. Thank you, Mr. Chairman.

Senator CARDIN. Before we start that, do any members want to be recorded with a no? Any no votes on those nominations? I just want to make sure—I think there may have been some members who just want to be recorded no on particular nominees. If that is the case, I want to make sure they had the opportunity.

Senator MERKLEY. Yes. Mr. Chairman.

The CHAIRMAN. Yeah?

Senator MERKLEY. I am having a little trouble tracking between my list and your list which were in order.

The CHAIRMAN. Yeah.

Senator MERKLEY. I believe you are holding over Murray.

The CHAIRMAN. Murray, that is correct.

Senator MERKLEY. You are holding over someone else? Risch?

The CHAIRMAN. No, we are holding no one else.

Senator CARDIN. No, just that one.

Senator MERKLEY. Okay. And I would like to be recorded as a no vote on Carl Risch and on Callista Gingrich.

The CHAIRMAN. Okay.

Senator MERKLEY. And is Lewis Eisenberg also?

Senator CARDIN. Yes.

The CHAIRMAN. Yes.

Senator MERKLEY. I would like to be recorded as a no in that case, and also on Kelly Knight Craft.

The CHAIRMAN. So noted. It will be recorded. Anyone else?

Senator BOOKER. Yes. I would like to be recorded no on Washburne. Murray is being held over. Gingrich, Sales, Risch, Craft, and Eisenberg.

The CHAIRMAN. So noted.

Senator RISCH. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator RISCH. Mr. Risch is not related to me.

[Laughter.]

Senator RISCH. Maybe that will help you guys get through this.

Senator BOOKER. I would like to change my vote.

[Laughter.]

Senator CARDIN. Senator Udall wanted to be——

The CHAIRMAN. Senator Menendez.

Senator CARDIN [continuing]. Senator Udall wanted—Senator Udall wanted to be recorded as no on Gingrich.

The CHAIRMAN. So noted. So noted.

Senator MENEDEZ. Mr. Chairman, now that I know that Mr. Risch is not related to the senator, I would like to be recorded as a no.

The CHAIRMAN. Yes, sir. Thank you. Thank you. Anyone else?

[No response.]

The CHAIRMAN. Thank you. All those that we have noted, I appreciate us being able to move them en bloc. Senator Coons.

Senator COONS. Thank you, Mr. Chairman. I just wanted to make brief comments. Many of us share concerns about the reorganization underway at the State and our lack of information about exactly what is going on, what decisions are being made, not made, the timing, and the process. And I think I join a number of us in having strong feelings that USAID should remain an independent agency, but am open to getting input on it.

I am convinced that the best way for this committee to express itself and assert its authority is this bill. I think restoring a healthy annual oversight and authorization process is the path towards relevancy this committee. When my predecessor, Joe Biden, chaired this committee, it regularly worked out annual authorization bills. We have not had that process, with, I think, one exception, in 20 years. And if you look at the difference between Armed Services and Foreign Relations, we can either do meaningless resolutions or we can get back to being a functioning committee.

Senators Udall and Shaheen have left, and I am about to because seven members of this committee are appropriators. Five of us serve on the State Foreign Ops Appropriations Subcommittee. I think the vehicle for us to assert ourselves on this issue is to work together on both authorizing and appropriating, because while we may not currently authorize, we do appropriate.

We are not as healthy as we should be in either process, but I think this was a good and productive process for this bill. I am grateful for Senator Cardin's leadership. A number of things I cared about got into this bill early in the manager's package. So, I look forward to supporting this bill, and I just wanted to express my appreciation to both Senators Cardin and Corker for working well together on what is a difficult process.

Many of us are disappointed that there are not more things in this bill, but I accept the framework that Senators Cardin and Corker have laid out, which is we need to walk before we can run. I would like to see numbers in this bill. I would like to see more directive language in this bill, but we are not yet there. Let us keep moving forward. Thank you.

The CHAIRMAN. Thank you. Thank you. Senator Menendez.

Senator MENENDEZ. Mr. Chairman, thank you for the opportunity. I hate to be a dissenting voice, but I feel compelled to be so.

I think it is difficult to build out when everything is permissive, when there are no numbers assigned so that the appropriators could actually do whatever they want at the end of the day because we do not even give them a ceiling, and when entities like AID cannot be fully protected. So, I do not know how you assert your authority when everything is permissive at the end of the day.

So, I appreciate the efforts of the Chairman and the ranking member in trying to move us forward to regular order, but I believe this effort falls short. I appreciate you and your staff trying to accommodate some of our requests, but this bill does not address funding levels of the Department. It does not provide authoriza-

tions for foreign assistance to USAID. It offers no mandatory Department specific policies or priorities.

The committee, in my view, in its most basic functions has a constitutional responsibility to exercise oversight of the Department and provide funding levels, and this bill does not accomplish those functions. Saying that the Department should do certain things, but, in essence, permitting them to do whatever they wish, at the end of the day is not my idea of the essence of providing oversight. It is not a separate co-equal branch of government acting in a way that ultimately asserts its authority, its prerogatives, and, most importantly, its vision of what foreign policy should be and the structure that foreign policy should be at the State Department.

And then finally, on something as important as this, and the Chairman in just about everything else has been very magnanimous. But I must say that we have not even had a hearing specifically on this bill. We had one hearing that was a hybrid hearing between the deputy secretary at five p.m. on a Monday that speaks to the question of reorganization more broadly, and that was it.

And I have yet to receive a response from that hearing from the State Department of questions I submitted for the record, questions that would have helped me understand whether even this permissive reorganization would have been acceptable. I asked him questions about personnel, about operations, about policy objectives that are crucial to understand. And I really do not want to give my imprimatur at the end of the day to a reorganization that, as I understand it going on, is not one that I could possibly in my wildest imagination support.

So, all of these shortcomings as leaders of the Department and the administration are undertaking what I believe is a radical, irresponsible, and ill-defined reorganization that has resulted in countless vacancies of critical positions, ceding of foreign policy making authority to the Department of Defense, and ceding U.S. leadership abroad, is not something that I think we right the ship on by virtue of an overall permissive authorization.

So, I am going to try to take two stabs, Mr. Chairman. I know you do not like—but I am going to try to take two stabs at trying to make this a little bit more of what I think we should be doing. One is to just ensure that we actually do not permit AID to be folded into State. It has a unique mission. Many of you have visited across the world AID missions. It has a very unique mission and culture. I think at a minimum we should be able to make sure that does not happen. And secondly, I think there should be—should be—and shall be departments on democracy and human rights. And if we cannot even establish that, then I am not quite sure what we are doing.

The CHAIRMAN. Okay.

Senator MENENDEZ. But I have the deepest respect for the Chairman and ranking member. I look forward to offering those amendments.

The CHAIRMAN. If I could, I know other people want to speak. I appreciate the comments, and, as you know, I worked very closely with you and everyone else on this committee.

We went from 2002 until I became chairman of this committee without passing a State Department authorization bill. 2002 until

I became chairman. So, you know, I hear the criticisms about where we are. Sure, it is going to take a few years to build to a place where this committee is doing what it is supposed to do.

I would just ask what the hell was happening between 2002 and when I became chairman of this committee? So, apparently the committee decided we did not need to do State Department authorizations. They were not important. So, yes, it is going to take a few years for us to build to a place where this committee exercises its authority in the appropriate way, and, yes, it is unsatisfying.

But I got to tell you, I cannot let that comment stand. We had distinguished chairmen of this committee all these years that chose not to pursue this? I do not what the member, my good friend from New Jersey, was doing all those years, but he sure was not passing a State Department authorization. So, I say that with all amicability—

Senator MENENDEZ. Mr. Chairman, since you invoked my name, I would like to be able to respond.

[Laughter.]

The CHAIRMAN. Okay.

Senator MENENDEZ. The distinguished chairman changed his tune when he became the Chairman. When I wanted to do a State Department authorization through NDAA, you told me no. And we would have had an opportunity to have a more significant State Department authorization attached to NDAA as a vehicle, and you did not desire to do that. So, and I was not the Chairman for all the years that you espouse from 2002.

The CHAIRMAN. Yeah.

Senator MENENDEZ. So, I can only speak for the time that I was. I did attempt to have one. I did attempt to work with you then as the ranking member, and I did attempt to get it in NDAA, and I think it would have been far more robust.

The CHAIRMAN. Well, actually I did, so I will take that amendment. There were a lot of years from 2002 and the other, and we did end up incorporating that authorization into the one that actually passed. But anyway, look, this is unsatisfying, but we are making progress to a point in time where we will have a full and robust debate on the floor where you and others will be directing what is happening on the floor. Yes, sir?

Senator MERKLEY. Mr. Chairman, thank you. I will have to depart momentarily for Appropriations, but I did want to ask my colleagues to seriously consider Senator Menendez's amendment, which I gather you are going to propose, for separating and protecting USAID.

The language in the current law that addresses it establishes USAID as an entity, and there has been a difference of opinion over whether an entity could be within State Department or it could be outside of State Department. I believe it is the understanding of the—both the minority and majority lawyers who have looked at this and said we think that it means that it has to be outside of the State Department. And if that is, in fact, the case and the will of this committee, then let us just be explicit and clear up this place of uncertainty.

USAID has such a different mission in terms of its trajectory, and it is attempting to use it in a diplomatic way for short-term

gain when it really takes long-term investment. So, if indeed, both our majority and minority teams believe that this is what the current law means, let us clarify it, and let us adopt Senator Menendez's amendment.

The CHAIRMAN. Yeah.

Senator CARDIN. Would my colleague yield for a moment because there is language in the manager's package that expresses our intent that it is as you have described it. Whether that can be made stronger is something we will look at as we move forward, but there is language in the manager's package that does move in that direction.

The CHAIRMAN. And USAID cannot be combined into the State Department without legislation that causes that to be the case.

Senator MERKLEY. Mr. Chairman, there is a difference of opinion among those who have examined the existing law, and I would like to clarify it if we can.

The CHAIRMAN. Okay. I got it. Anybody else like to speak—I know that we have amendments that people may wish to speak.

Senator KAINE. Mr. Chair?

The CHAIRMAN. Yeah.

Senator KAINE. Just quick to the chair and to all my colleagues, I think there are really good arguments on both sides of this one. And I think what I would like to do is just point out two realities external to this committee that make this one hard, because I think the chair and ranking have worked together and entertained amendments.

But the external realities are, one, there are not numbers in it because we do not have a budget and we do not have top lines. And so, as you know from being a Budget Committee member how frustrating that that is for all of us on the Budget Committee. So, with no budget, that is a challenge. That is the more minor challenge.

The one that I think is harder for some of us on this side is the point that Senator Menendez made, and I just wrote it down quickly. I think many of us are worried that a vote here, and I heard Senator Coons made the alternate case, but that a vote would be an imprimatur to a reorganization I cannot possibly support. What I am hearing out of the State Department, and some of these State Department folks live in Virginia.

What I am hearing out in the sort of broad community is great confusion and anxiety. What is going to happen, they do not know. And I do not think this necessarily puts us in the role where we are asserting authority over, and I would worry about it being an imprimatur over a reorganization that we might find very objectionable. It might be that the reorganization has not been put on the table and we do not find it objectionable. It is just that we really do not know where it is going, and we are hearing a lot of anxiety.

So, I think some of us are kind of struggling. Recognizing the hard work has been done, there is sort of a horse and cart issue because of that pending issue. So, it is certainly without—it is in no way to demean the work and the effort to bring people together to say that that separate process that is going on at State has caused a lot of anxiety, and none of us—some of us do not want

to look like we are putting our thumbprint on a work product when we do not know what the work product is.

The CHAIRMAN. Thank you. I heard it. Any other comments? Do you want to move to amendments? I thank all of you for still being here.

Senator MURPHY. Mr. Chairman, are we on Senator Menendez's amendment?

The CHAIRMAN. No. No, it is getting called up in just a moment.

Senator MURPHY. Okay. I have an amendment, but I will offer it—

The CHAIRMAN. I will first entertain a motion to consider the manager's amendment with Johnson's amendment 2, as amended by the Johnson-Gardner second degree and the Shaheen Number 1, en bloc by voice vote. Senator Cardin, I heard what many had to say about this bill and their amendments, and incorporated many of their changes into the original text. We have also agreed to include concepts of Merkley 2 with a 60-day waiting period as you noticed in the revised manager's package that has been moved around.

I believe your contributions have made this bill stronger. I thank you, and I thank Senators Menendez, Shaheen, and Merkley, who proposed various ways to demonstrate their concern for the independence of USAID. By working with them and their staff, we have come up with language that while not presupposing any recommendation, makes clear that any change to the independence of USAID would need an act of Congress. I realize that they may want to speak to that in a different way in a moment.

We have also incorporated the amendments filed by various members on our review of the administration's reorganization plan. We have included ideas from Senator Booker to demonstrate our commitment to the Rangel, Pickering, and Payne fellows, Senator Johnson's amendment on Kaspersky.

Senator JOHNSON. Kaspersky.

The CHAIRMAN. I will let you pronounce it. I think that this process has been transparent and bipartisan. I want to thank all of you for engaging with me and my staff and the ranking member, and working with us to obtain a joint manager's amendment that moves this legislation forward. Do you want to speak anymore to that?

Senator CARDIN. I move the manager's amendment.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. It has been moved and seconded.

The question is on the motion to approve the manager's amendment with the Johnson 2 amendment, as amended, and Shaheen Number 1 en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendments are agreed to.

Are there any further amendments? My guess is there is. Senator Menendez.

Senator MENENDEZ. I have two amendments, Mr. Chairman. I will offer the first one, which is Menendez 2, which is, in essence, about AID. And I would just say that I share your desire to move forward with the regular authorization process for State and for USAID. So, let us use this opportunity to actually produce a bill that truly lays out congressional directives and oversight, not simply suggest.

It may be the sense of Congress that USAID is a critical component of a comprehensive American foreign policy that includes long-term strategic programs that help countries develop better governance, institutions, and economic development programs that ultimately build resilient countries that make the best security and economic partners for the United States. But if we do not definitively legislate that sentiment, it falls short of ensuring the independence and potentially the very existence of that Agency.

Now, I know many of my colleagues have seen the important work of AID, and I have read the language that you are trying to use to suggest that we have taken care of that problem. But the problem is that all it is is a sense of Congress, not a direction. And you cite a section of a different law, the Foreign Affairs Reform and Restructuring Act of 1998, to say that congressional authorization is a prerequisite. I do not know why it is a sense of Congress than versus why it is not a restatement of the law.

So, I do not want to, in essence, move forward without making it very clear that AID is a separate entity. It existed separately under law and needs to be preserved separately under law, unless the Congress acts differently. And that is why I offer this amendment because I think this is one of the critical elements of an authorization bill.

The CHAIRMAN. Thank you for offering it. I understand many members have concerns. I do want to say I get no indication that that is a direction that they are beginning with. I would like to see what they propose. I do believe and know that Congress has to act for USAID to be combined into State. That is something that takes legislation, and I would prefer to let them run their course. There may be some valid reason for that discussion to take place.

So, I think the amendment is premature personally, and I would like to see a reorganization process take place where we look fully at what we are doing and what our missions are. Again, with the Merkley amendment, nothing can happen for 60 days as part of this package, and then we would have to take action legislatively to make that happen. So, I oppose the amendment, but I thank you for concerns about USAID.

Any other comments?

Senator YOUNG. Just briefly, Mr. Chairman. I intend to support this amendment. You know, I work with Senator Shaheen on a—on a task force—I have mentioned it a number of times in committee—and there were three findings with respect to reorganizing U.S. foreign assistance. CSIS indicated recommendation number one was to maintain USAID as an independent agency overseeing all new foreign assistance efforts.

If I had some window into the reforms that are ongoing within State right now and some security that the homework was rigorous and so forth, I would be prepared to wait on that report. But that

is why I just felt the need to justify why I am going to be supportive of Senator Menendez's amendment.

The CHAIRMAN. Is there a motion to approve the legislation?

Senator MENENDEZ. So moved.

The CHAIRMAN. Is there a second?

Senator YOUNG. Second.

The CHAIRMAN. Okay. So moved and seconded. I guess we will need a roll call vote.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Flake?

Senator FLAKE. No.

The CLERK. Mr. Gardner?

Senator GARDNER. No.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Coons?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Udall?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 11; the nays are 10.

The CHAIRMAN. The amendment is adopted.

Senator JOHNSON. Mr. Chairman.

The CHAIRMAN. Yes?

Senator JOHNSON. Just for clarification, my second amendment on requiring the report on what software is being used by the State Department has been moved in the manager's package?

The CHAIRMAN. Say again?

Senator JOHNSON. My second amendment requiring a report—

The CHAIRMAN. Yes.

Senator JOHNSON [continuing]. On what—that has been included?

The CHAIRMAN. That is correct.

Senator JOHNSON. Okay. Let me—let me thank the Chairman and ranking member for including that, and just briefly say this is—I want to thank Senator Gardner for working with me, Senator Lankford and Harris for bringing it to my attention, proud members of the Intel Committee. They requested a secure briefing on Kaspersky Laboratory.

And this is something we have known about for years. I think from my standpoint, the greatest—one of the greatest threats to this Nation really is cyberattacks. And there are a number of bad actors. There are a number of potential companies that we have got to be aware of what they are doing, what hardware and software is potentially in our departments.

And so, this from my standpoint is just a first step at—we said this is authorization oversight. We are going to have to be rigorous in our oversight of this particular issue with this committee with the State Department, but government as well. So, again, I just want to thank everybody who participated in this, and thank you for including it. It is an important amendment. It is an important part of this authorization bill.

The CHAIRMAN. Thank you. Thank you for your addition to this, and I appreciate our conversation last night.

Senator GARDNER. And I would just add my thanks to Senator Johnson for his leadership on this. I think we have a broader issue than just the Foreign Relations Committee. You know, last year we tried to get the Defense Department to disclose through a classified annex critical infrastructure; that is, that they have a purchase that they already have installed regarding many of these same actors, individuals, and contractors. And that was defeated led, in part, by the Department of Defense.

And so, I think when it comes to our critical infrastructure, we have great challenges. This is the first step, like Senator Johnson said, that we have got to address this, and we have to address our partners overseas. When South Korea entertains major telecom contracts with Huawei and others where we have a significant troop presence, I think we have got to look at what our partner states are doing where we have significant troops stationed.

Senator RISCH. Mr. Chairman.

The CHAIRMAN. Yes.

Senator RISCH. Senator Rubio and I sit on the Intel Committee, and we are supposed to be the liaison between the two committees. And in that spirit, I would say as much as I can say that there is a lot of stuff going on on this. This is—is this on people's radar screen that it should be on. We have got along ways to go. I appreciate your efforts. But we are going—through the various committees, we are going to continue pressing. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Any other amendments? Yes, sir.

Senator MURPHY. Thank you, Mr. Chairman. I want to associate myself with the remarks of Senator Menendez and Senator Kaine, while acknowledging that I think the Chairman is right that after a long period of lack of authorization, you probably do have to walk before you run. And I think for those of us that are going to vote no, part of it is based on our belief that this is a year where you have to run given the fact that there is a major reorganization pending that may end up proposing changes that many of us on both sides of the aisle object to.

This would have been our opportunity to make our claim to some of the most important capacities in that Department, and perhaps guard against some of the more reckless changes that we worry about. And there are exceptional things that are happening there right now, which give us that worry. There is the hiring freeze that initially applied to the entire Federal government that now only applies to the State Department. There is a ban on many lateral transfers that has tied the hands of many agencies and embassies. And so, it gives us worry for what is to come next.

There are a lot of appropriators—I am one of them—on this committee, and we feel good that we have a bipartisan consensus around fighting back against the deep and harmful cuts that are proposed by this administration to their own State Department. But one of the things that we could do here to try to guard against that risk of imprimatur that Senator Kaine talks about is to at least authorize a top number for the State Department to make it clear that in authorizing this bill, while we are not authorizing the entirety of the Department, we at the very least expect that the Fiscal Year 2017 appropriated amount will be the authorization level moving forward.

So, in that spirit, Mr. Chairman, I do have an amendment, which would set an overall authorizing level at \$53.2 billion, which is the Fiscal Year 2017 funding levels with OCO built in. Those are the approximate numbers that the Appropriations Committee is dealing with. And I think it would send a very important message in this authorizing bill that this committee does not support the 40 percent cuts that have been proposed by this administration, and that we will support an Appropriations Committee process that that will, at the very least, continue 2017 levels.

And so, I would offer that amendment for discussion.

The CHAIRMAN. Well, let us have some discussion.

Senator CARDIN. Mr. Chairman, if I could. I am going to—I thank Senator Murphy. I hope one day we are at this point where we will not only be authorizing a top number, but, like the Armed Services Committee, we will get more granular as to what we authorize as far as spending, and that it will be credible and acceptable in the appropriations process as the Armed Services recommendations in the National Defense Authorization Act is in the defense appropriation bill. The challenge is that we got to be much more granular than just one number, and we are not prepared to do that at this particular moment, and I think Senator Murphy would agree with that.

The second challenge is that once we have an authorized level out there, and let us say it happened to pass and it happened to

be enacted, what is—we do not have the reputation of doing this on an annual basis. And while this might appear to be the right number for 2018, if we do not—we have that number in law, and we want to do a—if we all want to get a different number for 2019, and yet, we cannot get an authorization through, it could actually work in a counter constructive way.

We have got to get there, but I would just say we are not there yet, and for that reason I would oppose your amendment.

The CHAIRMAN. Any other comments? Senator Portman.

Senator PORTMAN. Mr. Chairman, I appreciate the concerns that Senator Murphy has about the reorganization, about the budget, and, in particular, the budget that came out, the proposed budget. And I think—I think he is right, and I think on a bipartisan basis you are going to see a different number come out of the appropriations process.

I just want to make a general statement that this would definitely apply to, which is if we are trying to get something by UC, which is our only opportunity to get an authorization done, this clearly would be a problem because we are not going to get unanimous consent for a specific number. And I would raise the point that we have a 90-some page authorization bill before us, so there is substance in here. It is not everything that the Chairman would want or the ranking member would want, but I just wanted to go on record saying I am voting no on the amendment with the understanding that we are going to try to get this thing through by unanimous consent. And then, the Chairman has committed to build on this over time so we can have a debate and discussion on issues like this one.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thank you, sir. Any other comments? [No response.]

The CHAIRMAN. Would someone move to this amendment if you would?

VOICE. So moved.

The CHAIRMAN. Is it seconded?

Senator MENENDEZ. Second.

The CHAIRMAN. It is my understanding you will accept a voice vote. Is that correct?

It has been moved and seconded.

All in favor of the Murphy amendment, signify by saying aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[A chorus of noes.]

The CHAIRMAN. The noes have it. With that, are there other amendments?

Senator MENENDEZ. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator MENENDEZ. Mr. Chairman, this is Menendez 1. It is an amendment that I think goes to the core of what really an authorization is supposed to be. The bill should serve as a guiding document for the State Department, and I would even argue it must be a guiding document. And in its current form, it seems the State Department shall be able to do whatever it pleases with permissive approval from the State Department.

So, as I have said, there should be a Department that is responsible for promoting human rights and democracy. It is quite different from saying that there must be one. Saying the Department should prioritize good governance and effective rule of law reform efforts is also quite different from saying they shall. These strategic priorities should not be up for discussion. There should be a purpose in promoting and securing American foreign policy.

So, I think at a—while I would want to see a more expansive set of “shalls,” I think if we cannot do this one, then it speaks volumes about what we are doing in authorizations. So, I would move the amendment.

The CHAIRMAN. The amendment has been moved. Is it seconded?

Senator KAINE. Second.

The CHAIRMAN. I would just say that, you know, for many reasons that we have discussed already, I oppose the amendment. I thank you for your concern in this regard. Does anyone else wish to speak to this amendment?

[No response.]

The CHAIRMAN. All in favor—

Senator MENENDEZ. I ask for a recorded vote.

The CHAIRMAN. Okay. I would like a recorded vote.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Flake?

[No response.]

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CHAIRMAN. Flake, no by proxy. Go ahead, Gardner.

Senator GARDNER. Pass.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Coons?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Udall?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Murphy?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Merkley?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Booker?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Senator Gardner, did you wish to vote?

Senator GARDNER. Am I recorded? I wish to be recorded as no.

The CHAIRMAN. Okay. And I'm a no. The clerk will report.

The CLERK. Mr. Gardner, you are a no?

Senator GARDNER. No. Correct.

[Laughter.]

The CLERK. Mr. Chairman, the yeas are 11, the nays are 10.

The CHAIRMAN. The amendment passes. Senator Paul.

Senator PAUL. I have Paul Amendment Number 1. Some discussion has been made about the concern that the overall bill does not have monetary amounts. Some think that maybe we will not spend enough. Some of us think maybe we will spend too much. But most of us do not know what we will be spending since it is not listed.

VOICE. You might speak up a little, Rand. I am sorry.

Senator PAUL. I guess there is some concern about having no numbers in the bill by some parts of the committee in saying people will spend too little, and some parts of the committee might think we spend too much. So, count me as in favor of we should authorize dollar amounts. What I have is a specific amendment that says we should not use OCO funds for UN dues. It does not mean we should not pay UN dues. They should just come out of the base budget if we think we should pay UN dues.

The reason for pointing this out is an overall reason that fiscal conservatives have brought up for a long time. And I think Republicans actually often are guilty of going against their fiscal conservatism by saying, well, we will just use the OCO funds. Many of us have said, oh, we believe in budget caps. Well, we do until we start using OCO funds.

Since the 70s, starting with the Budget Act, then Gramm-Rudman-Hollings, then pay as you go, the American people elect us and say do something. We pass these reforms on spending, and then we ignore our own reforms. We are the ones guilty of this \$20 trillion debt, and this is not going to cure the debt, but it is one step in the right direction that we would actually do and obey our own rules.

We have budget caps. We are going to exceed our budget caps by taking OCO funding. We are going to do it in the defense bill, and we are going to do it in this bill as well.

Senator KAINE. Might I—

The CHAIRMAN. Yeah. So, you are calling up Amendment 1, Paul Amendment 1?

Senator PAUL. And basically, it says you cannot use OCO funds for the UN. You can use money out of your State Department budget.

Senator Kaine. And I just have a question when it is appropriate.

The Chairman. Yeah.

Senator Kaine. I do not know.

The Chairman. I tell you what. There is a motion. Is there a second for Paul 1?

Voice. Second.

The Chairman. Second? Okay.

Senator Barrasso. I want to speak against it, so.

The Chairman. Go ahead, sir.

Senator Kaine. I think we use OCO for too many things, and I do not think OCO should be used for dues. But I—

Senator Paul. Well, thanks for supporting my amendment.

[Laughter.]

Senator Kaine [continuing]. I may well do it. I have not read the text. I am sorry to say. I will just be honest.

The Chairman. Yeah.

Senator Kaine. An international organization that was providing some peacekeeping activity that would crop up, I think could be emergency funding. Paying dues is not emergency funding.

Senator Paul. This is planned annual funding.

Senator Kaine. So, that is the intent.

Senator Paul. That is all we are doing with the language.

Senator Kaine. All right.

Senator Cardin. Mr. Chairman.

The Chairman. Yes?

Senator Cardin. If we had an amendment that said we could not use OCO funds, you might have more support—I am just letting you know that—for ongoing expenses. You could get support. Here, you are picking one—

Senator Paul. I am happy to amend if you will support it.

Senator Cardin. We do not have jurisdiction over the Department—

Senator Paul. If you will support it, I am happy to accept a second—

Senator Cardin [continuing]. We do not have jurisdiction over the Department of Defense, and that is where most of the OCA money is used, and we do not have jurisdiction over that. and the Armed Services Committee has, in fact, specifically authorized the use of OCO funds for defense purposes.

Senator Paul. Absolutely wrongheaded.

Senator Cardin. I understand that, but this amendment would basically put us in default in the United Nations.

Senator Paul. I do not think so.

Senator Cardin. There is not the appropriated money for it. It would put us in default. We would lose our seat. You should not pick one appropriation. I am for the State Department having permanent funding not through OCO. I agree with you, but putting in a restriction as to one appropriation is exactly the wrong way to go. And it is for the reason I said to Senator Murphy in opposing his amendment when you start dealing with specific appropriations when we are not granular on everything else. I would hope we would defeat this amendment.

Senator Paul. If I could just make a quick response.

The CHAIRMAN. Sure.

Senator PAUL. I would just say that we all say this, that using OCO funds is wrong, on both sides.

The CHAIRMAN. Yeah.

Senator PAUL. And then we never, ever do anything about it. I would accept your approach. If you think it is unfair to target one thing, right now I would accept your approach, and we could just do it for the State Department. We would be leading the way and saying we are actually the only fiscally responsible people in the Senate, and we would do it.

Senator CARDIN. In response, what we would do is we would take our money, and it would be used for something else.

Senator PAUL. Well, there would still be State Department money appropriated. Of the \$53 billion that are appropriated, they would get their dues out of the \$53 billion, not out of an extra fund, a slush fund.

The CHAIRMAN. So, I appreciate the point that you are trying to make, and I will say that based on meetings I have had with Mick Mulvaney, things that they may wish to do this year with OCO are incredibly grotesque.

[Laughter.]

The CHAIRMAN. Grotesque, far different than what he planned—what he said in his budget hearing. Grotesque. So, I thank you for your intent. I think people have a pretty good sense how they will vote. Is a voice vote okay?

Senator PAUL. I would like to have a recorded vote because I think it is important beyond just the symbolism of this, of we are not fiscally conservative on this issue.

The CHAIRMAN. Thank you so much. Yes.

Senator GARDNER. I have a question. In your response to Senator Kaine's question, you talked about the use of these funds for peacekeeping operations. Contributions for peacekeeping operations would be—if that language is in here, how is that a response to there being—

Senator PAUL. My understanding of the way this would work is this is just for the annual dues. This is not for any emergency funding.

Senator KAINE. My reading of it makes me wonder about that. The language seems broad.

Senator PAUL. If people want to vote for this and are willing to second degree it to remove a word here or there, I am happy to take an amendment, a friendly amendment if you would like to be recorded in favor of that we should not use OCO funds this way. So, I am more than happy to try to make it better if somebody wants to vote for it and wants to offer a second-degree amendment to it.

The CHAIRMAN. Hearing no revisions, the clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Flake?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Gardner?

Senator GARDNER. No.

The CLERK. Mr. Young?

Senator YOUNG. No.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. No.

The CLERK. Mrs. Shaheen?

Senator CARDIN. No by proxy.

The CLERK. Mr. Coons?

Senator CARDIN. No by proxy.

The CLERK. Mr. Udall?

Senator CARDIN. No by proxy.

The CLERK. Mr. Murphy?

Senator CARDIN. No by proxy.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator CARDIN. No by proxy.

The CLERK. Mr. Merkley?

Senator CARDIN. No by proxy.

The CLERK. Mr. Booker?

Senator CARDIN. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The CLERK. Mr. Chairman, the nays are 15, and the yeas are six.

The CHAIRMAN. The amendment does not pass, but I truly appreciate the sentiment of the gentleman who offered the amendment, and I hope as we move along, we will move away from OCO funding. It is a grotesque arrangement that we need to stop.

Any other amendments?

[No response.]

The CHAIRMAN. Let us see. As we close out then, the question is on the motion now to approve the State Department authorization, as amended.

Senator CARDIN. Second.

The CHAIRMAN. It has been seconded.

The question is on the motion to approve the State Department Authorities Act, Fiscal Year 2018, as amended.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[A chorus of noes.]

The CHAIRMAN. The ayes have it. The legislation, as amended, is agreed to.

Who would like to be recorded? I think Senator Kaine, Senator Menendez, Senator Paul.

VOICE. We have some more.

Senator CARDIN. Murphy, Udall, and Booker would also like to be recorded as no.

The CHAIRMAN. Thank you. Anyone else?

[No response.]

The CHAIRMAN. Thank all of you for staying this long and for participating in the way you have.

That completes the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

With that, the committee is adjourned. Thank you.

[Whereupon, at 11:10 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

**THURSDAY, AUGUST 3, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:10 a.m., in room S-116, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Paul, Cardin, Menendez, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. I thank everybody for being here on our last legislative day before recess.

Senator CARDIN. Oh, that is good news.

The CHAIRMAN. Huh?

Senator CARDIN. That is a good way to start.

The CHAIRMAN. We have one semi-contentious nominee that takes all Republicans to be here. We told everybody we would vote on that point right now over the next two minutes. We are still waiting on a couple of Republican members, and I apologize for that. We thought they were going to be here on the front end.

As soon as they get here, if it is okay, Ranking Member, we will vote on the nominations. We will move away from the business we have. I know that Democrats want to register a “no” on Murray in particular, and I appreciate and understand that, and thank you all for working with us. So, what I thought we would do is go ahead and move to opening comments, which will be very brief, move to the Taylor Force Act, and then vote on nominations whenever we have all the Republicans present.

The business meeting of the Senate Foreign Relations Committee will come to order. We are going to consider S. 1697, the Taylor Force Act, and I want to thank Senator Graham for the work he has done on this bill and his work to highlight such an important issue.

Taylor, a West Point graduate and veteran of wars in Iraq and Afghanistan, represents the very best our country has to offer. He was tragically murdered over a year ago by a Palestinian terrorist while in Tel Aviv studying an entrepreneurship.

There is no doubt that his murder and the murder of countless others was partly motivated by financial reward. I think everyone

who is here today fully knows the Palestinian Authority has enshrined in law a system that pays Palestinians \$400 a month if they are sentenced to 2 years in an Israeli jail, but \$3,500 if they are sentenced to 30 years. These payments clearly incentivize terrorism, and I do not think anybody has even debated negatively against that.

At the same time, while we do not give the PA money directly, we do pay their debts and fund projects which they would otherwise be responsible for. This bill is relatively simple. If the PA does not stop the payments and revoke the law, then we will stop sending money that directly benefits the PA. We cannot continue to send taxpayer dollars, in my opinion, to support a government that incentivizes terrorism.

We will also vote on a number of nominees, as I mentioned, when everyone is here. I know that Ranking Member Cardin would like to speak to these issues, and I want to thank everybody again for being here today.

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, Mr. Chairman, thank you very much. First, let me comment on the nominations because I know you are going to want to vote as soon as we get the necessary members here. I support the three career nominees. One is from the State of Maryland, which we are particularly proud of.

In regards to the nomination of Mr. Jay Patrick Murray of Virginia to be the alternative representative to the United States of America to the United Nations, I oppose that nomination. I want to thank Senator Merkley on our side who chaired that nomination hearing. I have concern about Colonel's Murray's divisive rhetoric in both his book and his published news columns. He has made highly offensive remarks about members of Congress, including members of this committee.

His written statements have been deeply disturbing. In a Newsmax article published in March 2016, not too long ago, Colonel Murray wrote that Muslims now comprise almost 25 percent of Brussels' population. Most have not assimilated and have no intention of doing so. At worst, they are planning to kill their infidel neighbors. At best, they protect and harbor those who are doing the killing."

Publishing this type of inflammatory rhetoric is not befitting of an individual who is seeking to represent the United States at the United Nations. In both in my capacity as a United States senator and as a special representative on Anti-Semitism, Racism, and Intolerance for the OSCE Parliamentary Assembly, I cannot support Colonel Murray's nomination.

Mr. Chairman, in regards to the Taylor Force Act, first I want to thank all the members of this committee for expediting the consideration of this bill. This is a very important bill, and I think our members understand that. And I appreciate the cooperation that the chair and ranking member has received so that we could take this up without the normal notice requirements. And I thank you for that. Our objective—I also want to acknowledge, as you do, the tragic loss of Taylor Force, an American citizen who was murdered

by a terrorist in Israel. It was a tragic episode and something that requires our action. This is the objective of the legislation: we will not tolerate the Palestinian Authority paying prisoners who have participated in terrorism or the families of those terrorists that have killed innocent people. All that does is beget more violence, and we have to have a clear strategy for this practice to end.

The legislation is aimed at doing that in two respects that I just want to underscore. First, we want to exercise maximum leverage of U.S. assistance to end this policy. Second, we do not want to penalize the innocent Palestinian people for which our assistance is critically important.

I want to congratulate and thank the Chairman because the changes have been done since the original bill was introduced, thanks to the Chairman's hard work with Senator Graham, has made this bill a much more effective bill in carrying out those two objectives: that is, maximum leverage so the policy can change, but recognizing that we do not want to penalize innocent Palestinians.

I want to make a couple of other points. First, no U.S. aid today goes to the direct budgetary support for the Palestinian Authority. We have already taken steps on that in the past, so there is no direct support to the administration of the Palestinian Authority. Secondly, we have already cut funds that would go to the Palestinian people in the amount of the funds that go for these payments that we want to get stopped. But we can do more, and this legislation moves in that direction.

I want to thank my colleagues because I think there are amendments that we will consider today that will strengthen this bill and the two objectives that I just mentioned, first in making it more effective as a tool to bring about change, and I want to thank Senator Kaine for his escrow amendment because I think that does that. It puts money on the table for them to actually change, and they get rewarded. It is a carrot/stick approach, and I think that is exactly what this bill should be doing. And secondly, to protect the humanitarian needs of the innocent Palestinian people, particularly as we look at ways that we can distribute our aid through NGOs, which is what we do currently and which is not affected by this bill, but encouraging the funds to go through NGOs so that the Palestinians do not lose that humanitarian aid, for peacekeeping programs or education and economic progress rather than the radicalization of the people. All of that, I think we can fine tune this bill to make it more effective in accomplishing our objective and to end the practice, and to make sure that we participate in peacekeeping efforts with the Palestinian people.

The CHAIRMAN. Thank you. Listen, what I would like to do, I understand that since we have more Republican members than Democratic members, and since I had told several Republican members that it was important just to be here on the front end, what I would like to do, with your agreement, is go ahead and move to the nominees.

What I would like to ask is that we move en bloc the following nominations—Mr. Raynor, Ms. Brewer, Mr. Desrocher, and let us just move them en bloc, if that is okay, and I understand you all want a roll call vote on Mr. Murray. And if there is a motion to that effect?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. Thank you all for that. And then what I would like to do is have a motion that we take up Mr. Murray separately and have a roll call vote.

Senator CARDIN. That is fine. I do not know whether Senator Merkley wants to make comments or not.

The CHAIRMAN. That's fine. Why do we not make a motion and second?

Senator RUBIO. So moved.

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator MERKLEY. Second.

The CHAIRMAN. Thank you. Go ahead.

Senator MERKLEY. Well, I will just say very simply that I encourage people to pay attention to the comments that this individual has made in his written work and his articles. They are demeaning to members of Congress as a whole. Specific members of this committee were attacked. I think the general nature—I will not go through the dozen or so most egregious comments. I simply think that ponder—we should ponder closely whether a person of this extraordinarily divisive nature, prone to insulting and demeaning rhetoric, is appropriate in a key diplomatic post.

I believe it is not. I think if these comments were directed across the aisle, you all would be telling us that this is totally inappropriate for this individual to be serving, and I ask sometimes we need to step into each other's shoes. Thank you.

The CHAIRMAN. Thank you. Any other comments?

[No response.]

The CHAIRMAN. A roll call vote will begin.

The CLERK. Mr. Risch?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. No.

The CLERK. Mrs. Shaheen?

Senator CARDIN. No by proxy.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator CARDIN. No by proxy.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 11; the nays are 10.

The CHAIRMAN. I want to thank everybody for cooperating and disagreeing amicably, and I know some of the people here have other business. I thank everyone for being here.

If we could, what I would like to do now is move to S. 1697, the Taylor Force Act. I know people want to make comments about this piece of legislation. What I would like to consider is going ahead and adopting amendments that we know everyone agrees with and put those in place, and then begin the discussion because I think it will be more relevant to some of the amendments that may be offered, if that is acceptable. So, I would like to entertain a motion to consider Murphy 1 and Murphy 2 amendments, as well as the Young amendment en bloc by voice vote. To my understanding, everybody is in agreement with that. Is there a motion to that effect?

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator RUBIO. Second.

The CHAIRMAN. There has been a motion to approve those three amendments en bloc and seconded.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. Today is Murphy's birthday, so I am sure he will appreciate that, although he is not here to --

Senator CARDIN. If he was here, we would not be voting.

The CHAIRMAN. There you go. So now, look, we have had numbers of discussions. I know there was a meeting last night with the State Department, I understand, that did not go particularly well. But at this moment, I would be glad to entertain any discussion or amendments. Look, what I hope is going to happen is we are

going to finish today with a bill that we can have broad support for. I think most of us understand what is happening with the Palestinians is egregious. To me, it is unbelievably offensive that the leader of the Palestinians put this in place, and that we have a leader that truly incentivizes, pays people money to inflict injury, heinous crimes on other people. That is—to me, it is almost a definition of a “war criminal.” I am sorry. I am pretty worked up about this. It is hard for me to understand that this is taking place, but hopefully today we will speak with a loud voice towards this. And I would be glad to—

Senator UDALL. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator UDALL. I believe you are—are we are ready for amendments?

The CHAIRMAN. Yes. Yes, sir.

Senator UDALL. Mr. Chairman, I would like to call up my amendment. It is a first-degree amendment. And I first would like to thank Senator Cardin and Senator Kaine for being co-sponsors of it.

Let me just first say that I think the Taylor Force Act has very good intentions, and, you know, I do not think that we should have U.S. aid money going to terrorists or going to terrorist activities. But the other side of this, and I think many of us know this in traveling to the West Bank, there are very serious problems there. There is poverty. There are a lot of checkpoints. There is hopelessness. And so, you kind of have the conditions for terrorism on the ground.

So, what this amendment does is really follow the changes, Mr. Chairman, you made earlier, like the exception for the East Jerusalem Hospital, and this amendment is in the same spirit as allowing an exception under the Taylor Force Act for the East Jerusalem Hospital. I would call it a humanitarian exception.

The CHAIRMAN. Yeah.

Senator UDALL. The exception would allow for funding to continue for programs that promote public health, prevent the spread of disease or infection. This would include assistance to be food, water, medicine, health, sanitation needs, or basic human sanitation. The amendment is supported by the Catholic relief services, InterAction, an alliance of NGOs which includes the American Red Cross, Lutheran World Relief, ONE, and others who have endorsed it.

And I would take it on a voice vote, but I am going to ask for a roll call if we do not win on a voice.

[Laughter.]

The CHAIRMAN. Thank you. I think the roll call may be necessary here. Let me just say that if you add the exception for public health water and basic human needs, you basically gut the bill. We have the ability through IDA and MRA to deliver these services—I know the senator knows that—and just really renders this bill basically useless. So, I thank you for your concerns as always. I strongly oppose this amendment and hope others will join me in not gutting this piece of legislation.

Senator CARDIN. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator CARDIN. I would like to speak in support of Senator Udall's amendment. Let me just try to give the numbers here so we know what we are talking about. It is a little bit difficult because the Congress does not appropriate by specific use. It is the general category of economic support funds. And we know the Fiscal Year 2016 numbers. We do not yet know fully the Fiscal Year 2017 numbers. So, the last numbers we can really work as to what impact this bill has is the Fiscal Year 2016. And my understanding, it is \$260 million in total that is in the economic support funds. Of that \$260 million, there is \$108 million that would fall in the category of direct benefit to the Palestinian Authority or the Palestinian government.

Of that \$108 million, \$25 million is for the East Jerusalem Hospital, which we have carved out specifically as an exception in the bill. So it has already been carved out. Therefore, we are talking about \$63 million that goes directly to the benefits and \$45 million that goes to U.S. debt payment, which we all recognize would be cut off by these bills. There is no effort made to say that that could be continued unless the Palestinians cut off funding for prisoners.

So, we are really talking about the \$63 million that in Fiscal Year 2017 went to programs similar to what Senator Udall is talking about. Not all of that went there, but some of that money went there. So, there is going to be money cut off. It does gut the bill. The question is for those types of programs that deal with health, and clean water, and sanitation, and education, the type of programs that Senator Udall is talking about, those funds are important to prevent radicalization. It is important for the peace between the Israelis and the Palestinians, and we expect that you will see a larger sum of those monies going through NGOs. But the NGO funds or municipal government funds would be able to continue because they do not go directly to benefit the Palestinians.

So, all I am suggesting here is that what Senator Udall is saying, if the money is going to help the Palestinians, yes, there are ways within this bill that they continue through NGOs. That is acceptable. But there may be circumstances where the Secretary of State believes it is best in the money going through the mechanisms that he currently has, which is a more specific program. I think this legislation is as clear as can be that we do not want the Palestinian Authority to get any benefits from U.S. assistance unless they end this policy. And we know there is going to be a price to pay, at least the fuel monies, if not a lot more than that. And the aid may be configured in a totally different way, and that can be done. But I do think the message is clear and the Udall amendment makes it clear to the Palestinian people that we are not aiming at the programs that directly benefit the Palestinian people. So, I support the amendment.

The CHAIRMAN. Let me just say, all of us are fully cognizant of the fact that the Palestinian Authority uses these monies - or flow through them—to build support for themselves. The State Department knows full well that if they want these resources flowing to the Palestinian people, they can do it through reprogramming to NGOs so that we are not, again, propping up the Palestinian Authority's ability to have dominion over people when they, in fact, are paying people to kill Israelis and other innocent people. They

are paying people to do that. So, I strongly oppose this. I would love to hear any other comments people may have. Senator Portman.

Senator PORTMAN. Mr. Chairman, first of all, I agree with the overall spirit of the legislation that both of you talked about, which is to maximize and leverage, but also to ensure that some of these humanitarian funds continue to flow. And I think Senator Udall's amendment is well intended in that regard. But to add to what Senator Cardin said, I think the number is \$105 million that goes—40 percent of the ESF funding that goes to NGOs. So, because when I first looked at this, I thought we were talking about, one, something bigger than ESF, we were just talking about ESF. And second, 40 percent of it goes already outside of the PLA to NGOs, primarily for humanitarian type projects, including infrastructure, health, education, and so on.

So, I think this bill is a pretty good balance where Senator Corker and Senator Graham have it. It is a—some significant changes from Senator Graham's original bill actually thanks to some of the compromises he was willing to make and some of the things you were able to negotiate. So, I think it has got the right balance, and so I am going to be opposing that amendment, again, understanding that I think the bill, in effect, does this by having 40 percent of the funding continue to go through NGOs. And as the Chairman says, the State Department would have the ability to reprogram.

The CHAIRMAN. Any other comments?

[No response.]

The CHAIRMAN. I assume you would like a roll call vote.

Senator MERKLEY. Well, I would.

The CHAIRMAN. We can defeat it by a voice vote or have a—  
[Laughter.]

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Risch?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Flake?

Senator FLAKE. No.

The CLERK. Mr. Gardner?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Young?

Senator YOUNG. No.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mr. Menendez?  
 Senator MENENDEZ. Aye.  
 The CLERK. Mrs. Shaheen?  
 Senator CARDIN. Aye by proxy.  
 The CLERK. Mr. Coons?  
 Senator COONS. Aye.  
 The CLERK. Mr. Udall?  
 Senator UDALL. Aye.  
 The CLERK. Mr. Murphy?  
 Senator CARDIN. Aye by proxy.  
 The CLERK. Mr. Kaine?  
 Senator KAINÉ. Aye.  
 The CLERK. Mr. Markey?  
 Senator MARKEY. Aye.  
 The CLERK. Mr. Merkley?  
 Senator MERKLEY. Aye.  
 The CLERK. Mr. Booker?  
 Senator BOOKER. Aye.  
 The CLERK. Mr. Chairman?  
 The CHAIRMAN. No. The clerk will report.  
 The CLERK. Mr. Chairman, the noes are 11; the yeas are 10.  
 Senator KAINÉ. Mr. Chair?  
 The CHAIRMAN. The amendment is not adopted.  
 Senator KAINÉ. Mr. Chairman.  
 The CHAIRMAN. Yes, sir.  
 Senator KAINÉ. Mr. Chair, if I could call Kaine Amendment 2. I have—I have two amendments pending. Number one deals with how we define what the presentation of the underlying laws that generate the payments are. I am not going to call that one up now. If Kaine 2 passes, I am going to drop 1. Kaine 2 is geared at what are we trying to do get at here, and I view this as a friendly amendment. I think the activity is outrageous, and we are trying to grapple with it. And I think the hearing that we had with our two witnesses about it helped me crystalize this idea. Is our main goal to punish bad behavior, or is it to end the bad behavior? And I would hope it would be—I think we have to try to end the bad behavior.

My worry about the drafting of the bill as is is withholding the money, I think a message that will be sent to many on the Palestinian side is that money is never coming back. They know that many here—all of us are opposed to the behavior, but I think also some of them are very skeptical about whether there really is support for the PA at all. And they also recognize that there is a significant attack on all foreign aid in the foreign aid budget. And so, if the money is just withheld, I worry that a message they take from that is the money is not coming back, and then there is no incentive—no strong incentive to improve the behavior.

So, if what we want to do is to improve the behavior, one of our witnesses at the hearing suggested why not consider an escrow account. So, what Kaine Amendment 2 would do is instead of just withholding the money, it would take the money sort of for a two-year period. We would put the money in an escrow account, and the monies could be released from the escrow account if the Secretary of State determines that the payments have stopped.

They do not have to be released from the escrow account. It gives the Secretary of State the ability to release and may if the payments have stopped, and I think that actually creates the incentive to end the behavior. And it also gives the Secretary of State, and I say God love the administration for trying for what seems impossible, which is having a dialogue with Israel and Palestine about cessation of violence and negotiation. Moving forward, I think it gives the Secretary of State a bit of leverage, the two-year accumulation of these funds, that could potentially be used in a productive way in discussions.

So, the behavior is outrageous. We ought to try to stop it. I think we are more—in a targeted way, we are more likely to stop it if we use an escrow mechanism than just withholding the funds. And so, that is the—that is the purpose of this. And if at the end of the two years they have not done what they need to do, the money is reprogrammed for other purposes, but it—but it would continue then to accumulate in two-year segments as an—as an ongoing incentive for the folks to change their behavior.

The CHAIRMAN. If I could speak to the amendment. I had a conversation with Senator Kaine prior to the meeting, and I appreciated that. And in the spirit of what Senator Portman just outlined, and that is trying to seek a balance that is appropriate and draw enough support to actually pass a piece of legislation.

As I understand your proposal, Senator Kaine, is you would drop the other amendment you have relative to causing them only to have taken steps.

Senator KAINE. Right. If my first—if my first degree passes.

The CHAIRMAN. And if your first degree passes improved by Corker second degree, then, in fact, that would alleviate your concerns. Is that—

Senator KAINE. If the second-degree passes, I think I may still want to offer Kaine Amendment 1. So, my—if Kaine Amendment 2 passes without modification, I will drop my Amendment 1. If it—if the Corker second-degree amendment to mine passes, I will probably still offer Kaine Amendment 1.

The CHAIRMAN. A little different understanding than I thought. Senator Coons.

Senator COONS. I just want to speak in support of this amendment. I think it focuses and sharpens the bill, and provides a more credible mechanism to encourage and incentivize a change away from this despicable practice by the Palestinian Authority.

Senator YOUNG. Can I just—I am inclined not to be supportive, but I appreciate the thoughtfulness. I certainly like the psychology of this amendment, at least the psychology from the standpoint of the Palestinian Authority. But there are two components to this Taylor Force Act. One is concrete and substantive. We pull away funds for bad behavior. The other is expressing its message. And I have concerns that this undermines the strong message we are trying to send. It is nuanced, right, and nuance is lost sometimes in international affairs. So, this is the same, frankly, concern I was going to articulate when we got to Merkley. And so, maybe you could speak to that. It is a threshold issue for me, and I do not think you are going to get me there, but I want to give you an opportunity.

The CHAIRMAN. Let me—before he does that—

Senator YOUNG. Yeah.

The CHAIRMAN. Let me ask this for discussion.

Senator KAINE. Yes.

The CHAIRMAN. The second-degree amendment that we have takes that escrow—a two-year escrow and makes it a one-year escrow. It also reinserts the strong language that says they have to revoke the law. I think we know this was in place by presidential decree.

Senator KAINE. Yeah.

The CHAIRMAN. I mean, President Abbas just did this, okay? He is, what, 10 or 12 years into a 5-year term, and basically—he is ruling by decree, in essence.

Senator KAINE. Right.

The CHAIRMAN. So, I would love to see what the response would be among members on both sides relative to considering the thrust that Kaine is looking at, but not giving near that much time, or whether members, particularly on the Republican side, feel like that that just continues to erode this bill in such a manner that makes it ineffective.

Senator CARDIN. Mr. Chairman, if I could just—

Senator KAINE. It may be the latter.

Senator CARDIN. Could I just respond before we get into that because I think Senator Kaine's amendment makes the bill a stronger bill, and let me explain why. Under the current configuration as the Chairman has explained, funds could be—"reprogrammed" may not be the legal term, but can be reprogrammed through NGOs, which is what we all understand. Under the Kaine approach, the money is put into a lockbox and cannot be released unless the law is changed. So, it is actually a stronger provision, but offers the real carrot out there that we thought could bring about a change, because we know the Palestinians' needs for resources. So, it actually makes the bill stronger.

Senator YOUNG. I understand how you are characterizing it. I mean, my only concern is that, just to be a little more specific here, I am not sure if it would be perceived as stronger. My concern that I want to give the good senator from Virginia an opportunity to respond to, is that there will be a perception that the money has not really been cut, right, so.

Senator CARDIN. It cannot be spent.

Senator KAINE. So, just, I mean, I have talked to interest groups who strongly support the Taylor Force bill about this.

Senator YOUNG. Yeah.

Senator KAINE. And they like the escrow, and a couple have said to me I am not so sure, you know. Does that send the right message?

Senator YOUNG. Yeah.

Senator KAINE. But when I walked through the reason, they actually said, oh, I actually kind of like it. So, this is not a scientific sample. This is, you know, the four or five groups that I have chatted with about it. Even the ones who had some initial concern, as I walked through the reason, they said, okay, I see what you are doing.

And, you know, to give an additional tool to the Secretary of State, which my escrow account does to, okay, I am involved in these very tough discussions that they are trying to have with Israel and Palestine right now. If you stop the payments, I have the ability to release. So, it is not a national security waiver. It is an escrow release mechanism, but it gives the Secretary of State the ability to do it.

And I think that that is—and I understand one of the reasons that the staff briefing was not so good yesterday is the administration really did not kind of tell us what their position is. But to give the administration a tool, whether it is one year or two years. I like two years better, but it is not the one year or two years that really matters to me about the escrow account, but to give them a tool so that the Palestinians know the money is there if the behavior improves, and the Secretary of State has the ability to utilize that in these tough discussions.

As I have explained it to people who have raised questions about, well, what is the message, they seem to be oh okay, well, I get it.

Senator YOUNG. I think I will be opposing just to let you know, and only because it requires that explanation, right, that you had the opportunity to privately discuss with others, and I am just afraid that nuance will be lost. But I may critically reassess this in the future, and this may be a good model for us.

Senator MENENDEZ. Mr. Chairman.

The CHAIRMAN. Senator Johnson.

Senator JOHNSON. First of all, I completely agree with your premise that what we should be trying to do here is not punish, but actually end the practice, so I am intrigued by your concept. I would rather have it be 2 years. I would rather not spend the money to put it in escrow. I would be willing to accrue it for a year. And then I am not particularly trusting of just a Secretary of State determination. I would like to have Congress make that determination.

So, if you would just accrue the money for one year, and it involved Congress, so we actually make the determination in consultation with the administration so we know it is rock solid that this thing has ended, I think—I think it is a pretty good concept.

Senator MENENDEZ. Mr. Chairman.

Senator PAUL. Quick question.

The CHAIRMAN. Yes, sir.

Senator PAUL. If you do not have this fund, the money that is being taken away from the Palestinian Authority can be reprogrammed to the NGOs? Is that what we are saying? So, this would be something that would lessen that ability to give it to the NGOs, right?

The CHAIRMAN. That is correct actually. At least that—based on the way you posed the question, I think that would be true. If you are escrowing the money that is going to the PA, then, yes, that would lessen your ability during that period of time to reprogram

— Senator PAUL. The Secretary of State has the ability to reprogram. That is what you all are saying, right?

The CHAIRMAN. That is right.

Senator PAUL. Which may be for some of us the way we would rather the money be spent in the first place.

The CHAIRMAN. Yeah. Yeah. Senator Menendez.

Senator MENENDEZ. Mr. Chairman, I clearly support the underlying essence of Taylor Force, and I think it is abhorrent practice whether it is happening by the Palestinian Authority or any other place in the world in the 21st century. And so, I am ultimately going to support that.

But I think Senator Kaine's amendment makes this a far more compelling effort to achieve the goal. To achieve the goal. And our goal is to change the Palestinian Authority leadership's position, both in law and in practice, at the end of the day, not to punish the Palestinian people. Because if what we are trying to do is to punish the Palestinian people, then I am not there, and I take a back seat to no one in terms of my support for the State of Israel.

So, I think that Senator Kaine achieves that goal and strengthens it, because it sends a very clear message. You have lost the money unless you change your practice in fact and you change the law. If, in fact, you do not do that, then you do not get the money, and the people of Palestine can look to you as to why they are suffering because you have been unwilling to change the law and the practice. And, therefore, we look to you as the reason why we are being hurt, not to the United States of America.

And so, I think it is actually a more compelling effort. It is something that I had suggested to Senator Graham early when we were having discussions, and I strongly support either the version that you have as is. I can see Senator Johnson's view, and I am happy to support that as well. It might be a way to get a bipartisan effort. And I strongly believe that this is the right way to go.

The CHAIRMAN. If I could, I do not think you were here when Senator Cardin made his opening comments. I concur a hundred percent with what he said. The purpose here certainly is not to punish the Palestinian people. It is to punish a government, a government, just like with Russia. We are trying to punish the government, not the people of Russia. But we are trying to punish a government that is paying people to kill other people. So, I concur a hundred percent with those portions of your comments.

If I could before Senator Portman speaks, first of all, our staff believes that the State Department could actually be reprogramming the money, so I want to correct the record there. They could be reprogramming it in that 2-year period, okay? So, I want to—and, Johnson, if I could, just to get clarity, what is it you are saying that you believe would be an improvement over the Kaine amendment?

Senator JOHNSON. Well, I would certainly agree the shortened time period puts more pressure on them because we want to end—we want to end it. You know, rather than actually spend the funds and put them in an escrow account, I would just accrue it, and this is available to you if you end the practice. And I would want to have more than the Secretary of State declaring whether the practice has been ended. We have seen in the past where that—you know, those declarations could be a little loosey-goosey. I would like Congress' involvement in some way, shape, or form, whether this committee has to pass a resolution which passes the Senate

saying, no, we do confirm the fact that these practices have been ended, and we will expend the funds.

The CHAIRMAN. Well, I will say on that note, and I will move to Senator Portman. The Corker second degree, which was done to try to improve this legislation, makes it real clear they have to amend it and they have to revoke the law. So, that would not need to have any congressional input. We would have revoked the law and stopped the payments. So, maybe that would accommodate the senator's concerns.

Senator JOHNSON. Okay.

The CHAIRMAN. Does anybody—go ahead, Senator Portman.

Senator PORTMAN. That is exactly—that is exactly what I was going to ask you about, if you could explain the second degree, because my understanding is it makes the amendment offered by Senator Kaine consistent with the underlying bill—

The CHAIRMAN. That's correct.

Senator PORTMAN. And specifically on the revocation.

Senator JOHNSON. Okay.

Senator PORTMAN. Because I think Senator Johnson raises a good point. That is exactly what I was going to ask you to do is explain the second degree.

The CHAIRMAN. So, with the—

Senator CARDIN. Mr. Chairman, before you do that, let me make sure we—everyone understands the state of play in regards to reprogramming because I think your clarification is absolutely accurate. The money in the bill that we have now before us, as I understand it, assuming the Palestinians do not end the practice, these funds cannot be spent, even for humanitarian purposes, if it is under the auspices of the Palestinian Authority, so because it directly benefits the Palestinians, the government.

If prior to the end of the Fiscal Year the administration were to use those funds through an NGO or municipality, that would be permitted under the bill that we have before us. There are funds that go directly through NGOs that are used for this purpose. Under the—under the original bill, if the money is not spent by the end of the year, they cannot spend it, it reverts back to the State Department. Those funds can be reprogrammed.

Admittedly, there are notifications to Congress, et cetera, but those funds could be reprogrammed, could end up going to help the Palestinians. Could be. Under the Kaine amendment, and the reason I say it is tougher, if they are not reprogrammed by the end of the Fiscal Year, the funds must go into the lockbox and then cannot be spent unless the law is changed. So, the Kaine bill gives us a stronger club to get the change in behavior. That is the reason that I was pointing that out.

The CHAIRMAN. So, in listening to the discussion, in order to move this along, I think the Corker second degree does make the Kaine first degree much stronger, and much clearer, and much more consistent with the law that we have here before us and the intent of this law. So, for that reason I am going to offer the Corker second degree. I hope it will be seconded. I will be glad to have any discussion, and hopefully we will have a vote.

Senator KAINE. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator KAINÉ. This might short circuit it procedurally a little bit. Would you—I would drop my first degree if you would change your second degree to 2 years rather than 1. Well, I guess I got to keep my first degree to have a second degree. But your second degree with 2 years rather than 1. I could support that. I may still—

The CHAIRMAN. You mean with 1 year—you mean with 2 years versus 1.

Senator KAINÉ. As your draft, I would support that. I would still like to make then my argument about Kaine Amendment Number 1 and how we can define “notification,” and we could go up or down.

The CHAIRMAN. I appreciate it, but I think, you know, we have had multiple discussions about this, and I think I will just leave it like it is and let it lay however the vote comes out. Is the Corker second degree seconded?

Senator PORTMAN. Second.

The CHAIRMAN. Anymore discussion?

[No response.]

The CHAIRMAN. Would you like a roll call vote?

Senator CARDIN. It is the second degree.

Senator KAINÉ. Yeah. Yeah.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. This is on Corker second?

The CHAIRMAN. Yeah.

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator CARDIN. No by proxy.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Chairman.

The CHAIRMAN. Yes.

The CLERK. Mr. Chairman, the yeas are 12; the noes are 9.

The CHAIRMAN. Thank you. The amendment carries. I would prefer the base bill be as it was. I think the arguments that have been made by Senator Kaine certainly have caused some members of our committee on both sides of the aisle to reflect upon it. And for that reason, I will be supporting the Kaine amendment as amended by the Corker amendment in order to create comity, and also to try to accommodate the concerns of members of the committee that we try to incentivize behavior over this next year before the funds are fully known to be gone. And for that reason I will support it. I do not know if there any other comments that members would like to make.

Senator KAINE. I also would—I would have preferred mine, but with this one, I support it, and I will make a brief argument about Kaine Amendment 1 after the vote.

The CHAIRMAN. Okay.

Senator CARDIN. Voice vote?

The CHAIRMAN. Is a voice vote acceptable?

Senator KAINE. Yes.

The CHAIRMAN. All in favor of the Kaine amendment amended by the Corker amendment, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. It carries the day. Thank you so much. Hopefully there are no other amendments.

[Laughter.]

The CHAIRMAN. Mr. Murphy?

Senator MERKLEY. Mr. Chairman.

The CHAIRMAN. By the way, happy birthday. We did your business while you were gone.

Senator MURPHY. I appreciate it.

Senator CARDIN. You got your amendments done quickly.

Senator MERKLEY. Mr. Chairman, I do have another amendment. And essentially what this boils down to is that the economic circumstances in Gaza and the West Bank are, quite frankly, extraordinarily difficult. Unemployment is very high, and much of the infrastructure is shattered. You can take that and take it to another order of magnitude in Gaza where there are, I think, conditions you might describe as desperate just in terms of the fundamental access to any medical care or to clean water.

What my amendment says is that the funds that are removed from the PA basket will be put into the NGO basket so that the humanitarian role continues. Now, the way this would interact with the amendment just adopted, as I understand it, is that the electric funds, the \$45 million that would continue to go into the escrow account side, but that the funds, the \$85 million, that go through the PA and go through a variety of humanitarian purposes would be put into the third basket, which is the NGO basket.

A number of my colleagues have said we do not want to punish the Palestinian people. This does reinforce the notion of an unambiguous message to the PA by taking the funds away from the PA, but also does not punish the Palestinian people by redirecting it to NGOs under very extraordinarily difficult circumstances. That summarizes it, I think, sufficiently.

The CHAIRMAN. Thank you. I oppose the amendment. I do think we obviously acknowledge that permissively, the State Department, should they see fit, have the ability where appropriate for reprogramming. But to make that mandatory to me is an inappropriate step, and we can address what it is what we are trying to do here. But I would entertain any other comments.

Senator MERKLEY. Mr. Chairman, I would ask for, just in terms of a clarification, I believe because of the amendment we just adopted, the State Department would not any longer have the ability to redirect those funds to the humanitarian basket.

Senator CARDIN. They can do it prior to the end of the year.

The CHAIRMAN. I do not think there is any—I think staffs on both of the aisle did not believe that to be true.

Senator MERKLEY. In that case, the direct impact of this would be to tell the State Department to make that redirection so that the NGO support continues.

The CHAIRMAN. Would you like a roll call vote?

Senator MERKLEY. Yes, please.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Flake?

Senator FLAKE. No.

The CLERK. Mr. Gardner?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Young?

Senator YOUNG. No.

The CLERK. Mr. Barrasso?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Udall?

Senator UDALL. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Yes.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No. The clerk will report.

The CLERK. Mr. Chairman, the noes are 11; the yeas are 10.

The CHAIRMAN. The amendment fails. Are there any other amendments?

Senator KAINE. Quickly, Mr. Chair, Kaine Amendment 1. So, this is an amendment that, again, I consider it friendly, and I think it is a little controversial. But it is trying to maximize the effect on behavior rather than just set an insuperable bar that they will not be able climb. So, right now if you look at the base bill, Section 4 says they have to do four things, they have to—PA. They have to take credible steps to end acts of violence against Israeli citizens and U.S. citizens. They have to terminate payments for the actual terrorism. They have to revoke any law, decree, or regulation. And then there was a fourth that was added by Senator Young's amendment that came in, condemn violence and help in the investigation actions. So, that is what the base bill is now.

My Amendment 1 deals with this issue of the revocation. This was in discussions with the State Department. If you require that they have revoked any law, decree, regulation, or document pertaining or implementing the system of compensation, obviously they are going to have to stop all the payments. I worry about the fractious nature of their legal system, with Hamas and others being part of it, whether it is a bridge too far to stay stop payments and actually revoke all the laws, you know. We have a hard time passing laws. The Knesset has a hard time passing laws. I suspect the PA has a very difficult time.

So, I would not want to punish them if they have actually stopped the payments, and they are condemning violence, and they are involved in investigations, and they are doing all the other things. So, what I have proposed is a slight amendment to Section 3 to just say that they should have initiated a process to revoke it. If they stop the payments, and they are condemning violence, and they are doing the investigations, and they have initiated the

process to revoke, I think that should be enough knowing how challenging the politics of the situation is.

So, it is a fairly narrow little amendment just in that provision, but I think makes a little more realistic. And I worry that the outright complete revocation is such a high hurdle, that they will just never be able to get over it, and then we do not have any incentive of changing behavior. So, that is it.

The CHAIRMAN. I appreciate, again, the good faith that we have all displayed here, and I talked to you a little bit about this in advance. Again, this law was put in place by presidential decree, which is how they are governing themselves now. I do not think this is a hurdle that is too high to overcome. I oppose the amendment, but certainly look forward to any other input people may have. Again, I just think we are getting to a place where we are beginning to speak in an unclear way. And I do think that he obviously has the ability by himself by decree to make much happen. If 9 months from now we feel like there are issues, we ourselves may wish to deal with it in another way. I oppose the amendment. Any other discussion?

[No response.]

The CHAIRMAN. Would you like a roll call vote?

Senator KAINE. A voice vote is okay.

The CHAIRMAN. Okay. All in favor of the Kaine amendment, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[A chorus of noes.]

The CHAIRMAN. I think the amendment does not carry. With that—yes, sir?

Senator BOOKER. I would like to, first of all, withdraw all my amendments except for one. I just would like to speak for a moment on one that I am withdrawing, which is Booker Amendment Number 1. Having been over, as most of us have, into the West Bank to see their incredible work on creating the Palestinian high-tech sector, which is a non-ideological, really pragmatic way to create change, our investments in the same way that we do the Israeli tech sector would be a great idea and something I will—I will work on later. But maybe this is just sort of my concern on the one that I do not want to pull back. It is Booker Amendment Number 2. I understand there is a lot of resistance around the national security waiver in Section 4, but I worry that if we—if we do not include a national security waiver in Section 5 as I read it and the Secretary of State is not able to make the certification, that we actually are talking about zeroing out all humanitarian funding, even the funding that was—that my colleagues have told me that we would like to see reprogrammed into direct support.

And so, this is my concern. Yesterday in the staff meeting—the staff reading, the Secretary—the State staff said that they could not answer if the Secretary would be able to make that certification every 180 days. The bill language is very clear. Every 180 days thereafter, the Secretary of State certifies in writing to the appropriate congressional meetings that the Palestinian Authority is taking credible and verifiable steps to end acts of violence against

Israeli citizens and United States citizens that are perpetuated by individuals.

Now, I share the consensus—bipartisan consensus here about the payments that are being made. The heinous terrorist acts, I condemn that, and it is awful, but I am not sure if this is really our intention. If the Secretary of State fails to make this certification every 180 days, it is my reading of this that we will see all—even direct payments to some of the humanitarian efforts that we have all thought, or at least expressed, that would continue to happen would end. So, correct me if I am wrong, but if not, I would like to offer my amendment.

The CHAIRMAN. You are welcome to call it up. I oppose the amendment. And I think, you know, Congress has spoken, in particular, to national security waivers. That is the way this bill began. We just put congressional review in the Russia bill, and we have moved away from national security waivers of this type. So, look, if they cannot demonstrate that they have taken any steps whatsoever to end terrorist activities, it seems to me that we have got a significant problem. Yes, sir?

Senator CARDIN. I just want to review the state of play so people understand this because obviously there is uncertainty as to how this administration will handle certain policies globally, including the policies in Israel and with the Palestinians. As part of the annual appropriation process, there is a certification requirement for the release of funds. So, this is not inconsistent, I would say, with what the Appropriations Committee has done in the past. So, I just really want to point that out. But I think Senator Booker's concerns are legitimate concerns regarding, not getting a clear statement from this administration as to what their policies will be in regards to the Palestinians.

Senator BOOKER. And it is very troubling. I do not—I actually do not need a vote because I can see clearly how that would end.

The CHAIRMAN. Okay.

Senator BOOKER. But I just want to express my concern.

The CHAIRMAN. I appreciate that very much. Are there any other amendments?

Senator MERKLEY. Mr. Chairman.

The CHAIRMAN. Yes?

Senator MERKLEY. I do not have an amendment. I just want to comment on Senator Booker's position. As I understand it, I thought that for the previous discussion, folks were supporting the current basket number three—that is, the funds that are directed through the ESF to—through nonprofits, and that we were talking about wanting to stop the funds that go to the Palestinian Authority organizations, to send a message to the Palestinian Authority.

But my team also from this staff meeting yesterday, which was extremely—the State Department was very unprepared, seemed to indicate that as written, this bill would, in fact, cut off the funds to the nonprofits as well. And that is the concern I believe my colleague is raising.

Senator BOOKER. A hundred percent.

Senator MERKLEY. And if we do want to have this bill be a direct attack on the

Palestinian people who are already under difficult circumstances, I think we need to—we need to fix this. And I know my colleague has withdrawn his amendment, but I feel, unless I am misunderstanding the conversation, that we are on the verge of ending up with a product that is different than we thought. And, again, this was a very confusing staff meeting, but that was what the State Department seemed to indicate.

The CHAIRMAN. Yeah. I think Senator Cardin—

Senator BOOKER. And that—let me just add, it was hard to determine, but that is what I am seeing. I am hearing language saying on the—on the record one thing, but clearly the print of the bill is indicating it is going to go a different way, especially if the State Department is not willing to do that.

The CHAIRMAN. I think Senator Cardin's comments cleared that up, and I agree with those. With that, any additional amendments?

Senator MURPHY. I do not—I do not have an amendment, but, I am sorry, I was not here for the opening comments. I know there have been a number of people discussing this clause about restricting money that directly benefits the Palestinian Authority. I just want to put it on the record before we go to a vote here that there is going to be a myriad of interpretations as to what that means. And that does not in many of our minds mean that any ancillary benefit to the Palestinian Authority that they may get by virtue of a grant made to an NGO deems that they are.

Now, other people may read that differently, but I just want to reserve for potentially future administrations the ability to read that as money going directly to the Palestinian Authority and not have to come up with an argument that there is zero benefit, even a political benefit.

The CHAIRMAN. Thank you. I appreciate that comment. Without further ado, and seeing no more hands raised, I would like to have a vote on the bill, as amended.

And I assume we want a roll call vote.

Senator CARDIN. So moved.

The CHAIRMAN. So moved. And seconded?

VOICE. Second.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Isakson?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Portman?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Paul?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

The CHAIRMAN. Aye by proxy.

Senator CARDIN. No by proxy.

[Laughter.]

VOICE. She's still on our side.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the yeas are 17; the noes are 4.

Senator MENENDEZ. Mr. Chairman?

The CHAIRMAN. The bill is passed. Yes, sir, additional comments?

Senator MENENDEZ. I just—I just want to have you recognize that it was Democrats who gave you a quorum here.

[Laughter.]

The CHAIRMAN. Thank you so much for saying that. The amendment is agreed to. The legislation is agreed to. That completes our business. I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered. I thank all of you very, very much for being with us. Have a great recess. We are adjourned.

Senator CARDIN. Good work. That was good work.

[Whereupon, at 11:05 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

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**TUESDAY, SEPTEMBER 19, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:13 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Cardin, Shaheen, Udall, Murphy, Kaine, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The business meeting of the Senate Foreign Relations Committee will come to order. We have a number of items on the agenda today, including three pieces of legislation and multiple nominations.

We have H.R. 390, the Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017. This bill is a priority for the House Foreign Affairs Committee, and we are glad to work with them in that regard. It seeks to ensure that adequate assistance reaches minority communities in Iraq who suffer acts of genocide at the hands of ISIS. In particular, there is concern that communities who wish to relocate their homes to Nineveh province and elsewhere receive appropriate support.

Moving this bill is also an opportunity for us to enact this committee's work on Senator Cardin's Syrian War Crimes Accountability Act. We also thank Senator Shaheen for her work on the Syria Study Group, which we are incorporating into H.R. 390.

We will consider the Trafficking Victims Protection Reauthorization Act of 2017. The Trafficking Victims Protection Act of 2000 was where we as a country and the world came to grips with the terrible reality of modern slavery.

This committee has conducted serious oversight of the State Department's implementation of the Trafficking Victims Protection Act. The 2015 TIP Report was a turning point. We came together in a united way to let the State Department know that we and they must take the integrity of the report and its tier rankings seriously.

I want to thank Senator Cardin for his leadership. No doubt, your consistency and passion is clear and remarkable, and I thank you for that. We also thank you for the provisions on the child soldiers, recruiting fees, and reporting and strategy requirements.

Senator Menendez and Senator Rubio have exercised real leadership here also in our oversight efforts and contributed substantially to this bill.

The reauthorization of the Trafficking Victims Protection Act allows us to reinforce our oversight in statute. It strengthens the integrity of the tier ranking system in a constructive way.

We are also breaking new ground in requiring the State Department's regional bureau Assistant Secretaries to work collaboratively with the top Ambassador and with embassies in countries where tier rankings are elevated from Tier 3 to Tier 2 watch list to prepare an action plan to get such countries on the path to Tier 2.

The bill authorizes the full 7 years for the End Modern Slavery Initiative we approved in this committee. We worked with the Appropriations Committee to authorize appropriations at current levels for the duration of the bill. It is important that we take every opportunity to fulfill our responsibilities to authorize appropriations.

We will also consider S. Res. 168, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia. The United States has an important and ongoing relationship with the Government of Ethiopia, and we cooperate with them on areas of mutual interest, including regional stability, counterterrorism, and economic resilience in drought-prone and food-insecure regions. Nonetheless, it is reasonable to raise legitimate concerns with our allies in private, which we have for many years, but to do so more publicly when that fails.

There is great potential for Ethiopia, as well as great risk to this important regional partner and to our own interests. This bipartisan resolution properly calls on our friend Ethiopia to address longstanding tensions with the majority of Ethiopians through transparent justice and necessary political reforms.

I thank Senator Cardin and others on the committee for bringing up this resolution.

We will also vote on a number of nominees today. I thank my colleagues for allowing the committee to take these steps forward today. I will read their names later.

Are there any other member comments? Senator Cardin?

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Mr. Chairman, let me first thank you for this business meeting. The three legislative matters that we have are all very, very important.

I am pleased that we are able to move forward on H.R. 390, the Genocide Emergency Relief and Accountability Act. It was introduced by Congressman Smith and passed the House of Representatives in June. It deals with circumstances in Iraq.

There is an agreed-to amendment that will include the accountability for war crimes, the Syrian War Crimes Accountability Act. So we will be combining both Iraq and Syria into one bill and providing accountability for war crimes.

I was pleased to be the sponsor of the Syrian War Crimes Accountability Act that passed this committee in June, so this is a

matter that has already been before our committee, in regard to Syria. For Iraq, it is the first opportunity.

Accountability for war crimes is critically important. We will all say, "Never again." The only way "never again" will be realized is if we make sure that those who commit atrocities are held fully accountable, and the United States must be in the leadership.

This legislation will provide assistance for investigations, so that we can have the information necessary to hold those who are responsible for these atrocities accountable. And, secondly, it helps the victims.

Mr. Chairman, you were very kind in your comments in regard to the reauthorization of the Trafficking in Persons, about the passion that I have on this issue. I think we would all agree on this committee, there is no one who has shown greater leadership on this issue than our chairman, so we thank you for your commitment to end this modern-day slavery, this moral challenge to the United States. You have been in the forefront in our country and globally on ending modern-day slavery.

I strongly support the reauthorization act.

I also want to acknowledge the work of Senators Menendez and Rubio.

And I thank you very much for recognizing two important points in this bill. First, we want the facts to judge the tier rankings, not politics. Whether it is a Democratic administration or a Republican administration, we want these determinations to be made by the facts in the countries. Secondly, in regard to children, I appreciate the issue in regard to child soldiers but also to forced labor that will require Tier 3 rankings for countries that do not meet the minimum conditions, and that we prohibit U.S. grants from including reimbursement on recruitment or placement fees, because that becomes debt bondage.

Lastly, I want to thank you for bringing up S. Res. 168 that I authored with Senator Rubio to make it clear that our counterterrorism partners do not get a free pass on human rights and democracy, and this resolution is very clear about that.

I would ask, in regard to the nominees, that two of the nominees be separated for discussion and vote. That would be K.T. McFarland and Mr. Manchester.

The CHAIRMAN. I would be more than glad to separate those, and understand that.

Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman. Thank you for the work that you and Senator Cardin have done on the Iraq and Syria genocide emergency relief act.

I also want to very much thank you and Senator Cardin for working to incorporate into this legislation work that I have been doing on the study group on the conflict in Syria. Even though the Syrian conflict has been pushed off the front pages of the papers and the evening news, the fact is that the environment there is increasingly complex.

On Saturday, we saw Syrian Democratic Forces and Russian Hezbollah-backed Assad forces clash in Deir ez-Zor, where Russian forces bombed the American-backed fighters tasked with clearing ISIS in the region.

So this is a conflict that continues. So far, we have not had a clear strategy for how we address the region. And our troops and partners have been forced to jump from one tactical maneuver to the next.

So the study required by this legislation, I hope, will help our troops and diplomats prepare for contingencies in Syria. It does require government consultation from both the Departments of State and Defense, and the review board would be appointed by bipartisan members of House and Senate national security committees.

I think it will provide meaningful and actionable recommendations in the manner of previously congressionally mandated commissions. That is its charge. Hopefully, it will come out with a strategy that can be helpful as we look at ending this years' long conflict.

So thank you very much, Mr. Chairman and Senator Cardin.

The CHAIRMAN. Thank you. Are there any other comments to be made about legislation?

Senator KAINE. Is this an appropriate time, Mr. Chair, to offer amendments?

The CHAIRMAN. I will tell you what we will do. We have one member moving down the hallway, who is actually here now, so why don't I move to the nominations, and then we will move to the legislation, if that is okay.

I know there are some concerns about two of the nominees, so as the ranking member requested, what I would like to do first is moved to the Honorable Barbara Lee to be representative to the U.N. General Assembly; the Honorable Chris Smith to be representative to the U.N. General Assembly; the Honorable Steve Mnuchin to be U.S. Governor of the IMF, the African Development Bank, the Inter-American Development Bank, the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development, the African Development Fund, and the Asian Development Bank; Mr. Stephen King to be Ambassador to the Czech Republic; and the Honorable John Bass to be Ambassador to Afghanistan.

All those in favor of an en bloc vote -- do we have a second on that?

Senator CARDIN. Second.

The CHAIRMAN. All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it.

Now we have two other nominations that we are going to vote on. Do you want to vote on the two of them together?

Senator CARDIN. No, I would like to do that separately and make a brief statement in regard to each, if I might.

The CHAIRMAN. Okay. Next, I would like to call up—

Senator YOUNG. Mr. Chairman, with your indulgence, could I just say a brief word about Mr. Bass? I just supported his nomination, obviously.

The CHAIRMAN. Sure.

Senator YOUNG. I think he is eminently qualified with a distinguished record of foreign service. But I submitted a question for the

record to Mr. Bass, and it related to something very important, the Kabul compact, which set a benchmark for reforms developed by President Ghani and Chief Executive Abdullah.

In my question, I asked him, if confirmed, whether or not he would work with General Nicholson through the State Department to provide my office or this committee a detailed, specific, and written unclassified assessment of where the Afghan Government is falling short on these commitments and how Kabul plans to address these shortcomings. And the response I got was somewhat vague. I know he had a lot of questions to respond to and so forth, so I still have confidence that he is going to serve and serve very well, which is why I support his nomination. I think we need to stay vigilant as a committee with respect to that issue moving forward.

The CHAIRMAN. And maybe before it comes to the floor, you will get a better response from him on that.

Senator MERKLEY. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator MERKLEY. I wish to be recorded as a no vote on the nominations related to Mr. Mnuchin.

The CHAIRMAN. So ordered.

Senator MERKLEY. Thank you.

The CHAIRMAN. Anyone else?

With that, we will move to roll call votes individually. The first vote will be on Mr. Doug Manchester to be Ambassador to the Bahamas.

Senator CARDIN. Mr. Chairman, the Bahamas is a transit country for illicit drugs bound for the United States, which means that our Ambassador must possess the skills to advance strategic counternarcotics operations. In addition, a majority of the estimated 5.6 million tourists visiting the Bahamas are from the United States, requiring an unwavering attention to consular services.

I am concerned that Mr. Manchester lacks these requirements. He has been described in a number of news reports as abrasive, a poor manager, and prone to verbal tirades. Additionally, he has made a number of troubling statements during his nomination hearings, including that the Bahamas is a protectorate of the United States and that the United States would want to avoid a South China Seas situation with the Bahamas. These statements indicate less than a thorough understanding of the basic diplomatic and national security issues.

I note that U.S. has not had an Ambassador in Nassau since 2011, since we were unable to confirm one during the Obama administration. Nevertheless, I cannot support Mr. Manchester, and I just urge our committee that, if we have confidence that the nomination process and the hearings are meaningful, I do not believe this person deserves our support.

The CHAIRMAN. Any other comments?

With that, we will have a roll call vote on his nomination. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Paul?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator CARDIN. No by proxy.

The CLERK. Ms. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator CARDIN. No by proxy.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator CARDIN. No by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 11; the noes are 10.

The CHAIRMAN. The nomination is agreed to in committee and will be passed to the floor.

The next vote will be on Ms. K.T. McFarland to be Ambassador to Singapore.

Senator CARDIN. Mr. Chair, if I could, just very briefly, Ms. McFarland is very engaging person who clearly has a desire for public service, and I admire that in her. However, given the range of strategic challenges across the globe that our country faces, it is better that the U.S. Ambassador is seen as a unifying figure.

Following extensive consideration of Ms. McFarland's record, and taking into account her statements during her nominations hearing, I have concluded that her past record would make it very difficult for her to serve as that unifying force. For that reason, I am unable to support her nomination.

I appreciate the nominee's efforts before the committee to explain her substantial record of inflammatory statements. This includes stating that Vladimir Putin is the one who really deserves the Nobel Peace Prize for his work in Syria; saying that waterboarding, even if it is torture, it is probably worth doing; or saying of Saudi Arabia, "They are Arabs. They are not going to say to your face something that they know is going to upset you."

It does not appear that the nominee has been particularly careful or judicious in the statements she has made in the past, and language is very important to be an Ambassador.

Additionally, I have some concerns regarding the nominee's involvement as deputy to General Flynn during the transition process. Unfortunately, her answers to inquiries were not sufficiently responsive to meet all of my concerns.

For that reason, I will not support her nomination.

The CHAIRMAN. Thank you. Are there any other comments?

I did think she tried to answer those questions and did so adequately. I know she has been in the entertainment business in the past, and sometimes people say things. But I thank you for your concerns.

With that, the clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Paul?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator CARDIN. No by proxy.

The CLERK. Ms. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator CARDIN. No by proxy.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator Kaine. No.

The Clerk. Mr. Markey?

Senator Cardin. No by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Booker?

Senator Booker. No.

The Clerk. Mr. Chairman?

The Chairman. Aye.

The clerk will report.

The Clerk. Mr. Chairman, the yeas are 12; the nays are 9.

The Chairman. The nomination is passed and will move to the floor.

I thank all of you for participating. With that, we will move to legislation.

We will move to H.R. 390. Senator Cardin, would you like to speak to this? Or any other member?

I will entertain a motion to consider the substitute amendment and the Kaine-Corker-Murphy amendment, en bloc, by a voice vote.

Senator Cardin. So moved.

The Chairman. Is there a second?

Senator Kaine. Second.

The Chairman. So moved and seconded.

The question is on the motion to approve the substitute amendment and the Kaine-Corker-Murphy amendment, en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The Chairman. Opposed?

[No response.]

The Chairman. With that, the ayes have it. The amendments are agreed to.

Are there any further amendments?

Seeing none, is there a motion to approve the legislation as amended?

Senator Cardin. So moved.

The Chairman. Is there a second?

Senator Risch. Second.

The Chairman. So moved and seconded.

The question is on the motion to approve H.R. 390, as amended.

All in favor, say aye.

[A chorus of ayes.]

The Chairman. Opposed?

[No response.]

The Chairman. The ayes have it. The legislation, as amended, is agreed to.

Next, we will move to the Trafficking Victims Protection Reauthorization Act of 2017.

Senator Cardin, would you or any other member like to speak to this?

Senator Cardin. I have already spoken. I am fine.

The Chairman. First, I would like to entertain a motion to consider the Flake No. 1 and revised Flake No. 3 amendments, en bloc by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve Flake No. 1 and revised Flake No. 3 amendments, en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The amendments are agreed to.

Are there any further amendments?

Seeing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve TVPA authorization, as amended. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

Next, we will move to S. Res. 168.

Senator CARDIN. would you or any other member like to speak to this?

Senator CARDIN. I have already spoken.

The CHAIRMAN. First, I will entertain a motion to consider substitute amendments en bloc by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the substitute amendments en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No. response.]

The CHAIRMAN. With that, the ayes have it. The amendments are agreed to.

Are there any further amendments?

Seeing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. Thank you. So moved and seconded.

The question is on the motion to approve S. Res. 168, as amended.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

That completes the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so authorized.

With that, and without objection, the business meeting will stand adjourned.

[Whereupon, at 10:34 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

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**TUESDAY, SEPTEMBER 26, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:41 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding

Present: Senators Corker [presiding], Rubio, Johnson, Flake, Young, Isakson, Portman, Cardin, Udall, Murphy, Kaine, Markey, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The business meeting of the Foreign Relations Committee will come to order.

We will consider a number of nominations today. I want to thank my colleague for helping the committee work through these nominations in an appropriate fashion and to allow us to take these steps forward.

Senator Cardin, do you have any comments you would like to make?

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Mr. Chairman, thank you. Working with our staffs and all 12 the members of our committee, I support all these nominees.

I do want to make just a very brief comment about Mr. Huntsman, Governor Huntsman, the Ambassador nominee to Russia. We listen to a lot of nominees before this committee. A lot of them are very well qualified. Certainly Governor Huntsman is one of those individuals that is very well qualified. But few have answered the questions with the clarity that he did and his commitment to carry out the type of strength for our values in our relationship with Russia. So I am enthusiastically supporting this nominee and hope that we can get him to Moscow as soon as possible.

The CHAIRMAN. I could not agree more. I thought it was an outstanding testimony, one of the best we have heard, although we have heard numbers of very good ones. And I look forward to him being in Moscow.

Any other comments?

[No response.]

The CHAIRMAN. What I would like to ask then is that we entertain a motion to approve all of the nominations en bloc by voice vote. If anyone wants to register a negative, they are able to do so. But I would like a motion to en bloc to move the Honorable Jon Huntsman to be Ambassador to Russia, Mr. Wess Mitchell to be Assistant Secretary for European and Eurasian Affairs, Mr. Justin Siberell to be Ambassador to Bahrain, and Mr. Steven Dowd to be the U.S. Director of the African Development Bank.

Senator CARDIN. So moved.

The CHAIRMAN. It has been moved. Is there a second?

Senator ISAKSON. Second.

The CHAIRMAN. All in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed? Does anyone want to be recorded as a negative?

[No response.]

The CHAIRMAN. With that, that will complete our committee's business.

We ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

And with that, without objection, the committee will stand adjourned from the business meeting.

[Whereupon, at 10:44 a.m., the meeting was adjourned.]

## BUSINESS MEETING

THURSDAY, OCTOBER 5, 2017

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:35 a.m., in SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Flake, Young, Isakson, Cardin, Menendez, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, and Booker.

### OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. I call the Foreign Relations Committee to order. As you all have noticed, it is Senator Cardin's 59th birthday today.

[Laughter.]

Senator CARDIN. Mr. Chairman, there should be certain privacies that are afforded Members of the United States Senate, so I am a little disappointed. But you picked on the wrong person. It is John Ryan's birthday today.

He is on our staff. I mention that because John has been an incredibly valuable part of our staff, and he is going to be leaving us this week, going back for another assignment in the JAG Officer Corps. So we, first of all, want to thank John for his service on our staff and wish him well in his next assignment, but also wish him a happy birthday.

So when we adjourn, I am going to have Senator Menendez sing a song to John.

[Laughter.]

Senator MENENDEZ. Mr. Chairman, if I may very briefly?

The CHAIRMAN. Absolutely. We know that you have been in the choir before.

Senator MENENDEZ. I am not going to sing right now, but I will.

I just want to join Senator Cardin. When I was the Chairman, I brought John on. He is an extraordinary individual with incredible talent and unlimited potential. And our Nation will be better served, even though he was of great service here, with him at the JAG Corps.

So I wish him all the best, and I will embarrass him in front of the rest of the staff when we are finished.

The CHAIRMAN. Very good. We are glad to see you here. Thank you. Thank you so much for being here, and everyone else.

We are going to begin our opening comments, so when people get here, we have enough of a quorum that we can move through today's agenda.

The business meeting of the Senate Foreign Relations Committee will come to order.

Today, we will consider three pieces of legislation.

First, we have S. 832, the African Growth and Opportunity Act and the Millennium Challenge Modernization Act. I want to commend Senators Cardin, Isakson, Coons, Murphy, and Peters for bringing this bipartisan legislation to committee.

This bill is nearly identical to legislation passed out of the committee last Congress and which cleared both houses in December, but which, I understand, because of a cloakroom error, failed to become law. Senator Cardin's substitute contains two technical fixes to bring the bill in line with legislation approved unanimously by the House Foreign Affairs Committee last week.

AGOA has been an important part of our engagement with Africa. This bill asks the President to direct more resources toward helping African businesses trade with the United States.

This bill also establishes necessary forums that will help safeguard U.S. taxpayer dollars and foster good governance by the Millennium Challenge Corporation, and it will ensure that the agency takes a coordinated and thoughtful approach in implementing concurrent compacts.

Senator Cardin's substitute amendment adds a 7-year sunset for the provision, addressing MCC reporting requirements to the MCC board on a country's treatment of civil society. It also requires a determination of a country's eligibility for a subsequent non-concurrent compact to be based on, to the extent practicable, significantly improved performance across MCC eligibility criteria.

I ask that you approve the AGOA and MCC Modernization Act, as amended by Senator Cardin's substitute amendment.

Next, we are going to consider S. Res. 245, a resolution calling on the Government of Iran to release unjustly detained U.S. citizens and legal permanent resident aliens.

As I am sure many of you know, Iran continues to unjustly detain several U.S. citizens and legal permanent residents. The five Americans in Iranian custody include an 80-year-old man, a graduate student, and a retired FBI agent. Iran's use of hostage-taking as a state policy is totally unacceptable and will continue to poison any future talks between our two countries.

This resolution calls for Iran to release them and for the President to do whatever he can to get them home.

Lastly, we will consider S. Res. 211 condemning the violence and persecution in Chechnya.

The leader, Ramzan Kadyrov, has overseen a campaign of violence and persecution against gay men in Chechnya. We condemn such acts and call upon the Russian Federation to protect the human rights of all its citizens.

Two amendments address technical changes. And I would like to thank Senators Cardin, Toomey, and Markey for working on these.

With that, I recognize my good friend Senator Cardin.

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Mr. Chairman, thank you very much, and thank you for the manner in which we have been able to bring these three important legislative issues to the business meeting.

I want to start by first observing an important announcement that was made by our chairman last week, that he will not be seeking reelection.

I know that we have to put up with you for another year. I understand that. And I know that this is not going to be our final opportunity to say things about our chairman, but I just really want to tell you how proud all of us have been to serve with you as chairman of this committee. We look forward to this next year.

You have served our country and the Senate with great distinction. This committee is a committee that has a proud history, and its legacy has been made only stronger by your leadership. So you are going to be deeply missed in this committee and deeply missed in the United States Senate.

But we want you to know that we understand your decision. We wish you only the best. And we look forward to a very productive year.

The CHAIRMAN. Thank you so much. I will miss all of you.

Senator CARDIN. On the three bills that you have referred to, I think you described them very well.

Thank you on the African Growth and Opportunity Act and the Millennium Challenge Modernization Act. I want to thank Senator Isakson for his great help on this bill. I was joined by Senators Coons, Murphy, and Booker. Ed Royce on the House side has been a big leader on this.

The MCC is transformational. It allows us to make a consequential difference in a country, and this bill will improve the tools on the MCC, so I am very proud about that.

The AGOA is extremely important for sub-Saharan Africa, giving them economic opportunity, and I am pleased that we are able to act on that.

Clearly, I want to thank Senators Cruz and Leahy in regard to U.S. prisoners in Iran. There are a lot of issues that we deal with Iran, and there is going to be a lot greater discussion coming up in the next couple weeks on Iran, but one of the things that we should all never lose sight of is the fact that we have Americans that are being held illegally in Iran, and they are always going to be our priority, to get them home.

In Chechnya, Senator Toomey and Senator Markey, thank you for your leadership on that.

What is happening there, particularly with gay men, is absolutely outrageous. And I appreciate the fact that we are acting on that today.

Mr. Chairman, I want to mention one other issue. I personally, first, want to start by thanking you, because you have been extremely helpful in trying to get us to the finish line on the North Korea Human Rights Act that Senator Rubio and I have been working on. You did everything you could to get that on today's agenda, and I thank you for that. I mean that sincerely.

We work in comity in this committee, and there are still some members who want to do different things on the North Korea bill, and I fully understand that.

But I would just implore our colleagues, human rights always seem to be an issue that is negotiable on other issues, and it should not be. There are a lot of problems in North Korea. Believe me, there are, but let's not lose sight of the fact that the people in that country are suffering every minute on gross violations of human rights.

And I am disappointed that we are not going to be able to move that bill today, but I do hope that we can work out the issues that members have, and we can get that bill moving quickly.

Thank you, Mr. Chairman.

The CHAIRMAN. We are going to move through the legislation rapidly, I know. Is there anyone that wishes to speak to any of the three pieces?

Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Although my public release pretty much said it all, I want to briefly echo Senator Cardin about, while I respect your decision, I am disappointed and I wish you were staying.

I think you have shown extraordinary leadership. While we have not always agreed, for sure, I have always found you to have the integrity, the intellect, and the commitment to the issues that are critical for this committee and for the country.

So I look forward to coming back and spending the next year both working with you and occasionally challenging you along the way. And I will have more to say when we get closer to the end of next year.

Mr. Chairman, I specifically want to speak to S. Res. 245. I want to speak in strong support of the resolution, which specifically mentions Xiyue Wang, a student at Princeton University in New Jersey who the Iranian Government outrageously sentenced to 10 years in prison for espionage.

Mr. Wang, who is of Chinese origin and who is a legal permanent resident of the United States, was simply pursuing scholarly research. He has a small son.

Similarly, Siamak Namazi, a former student of Rutgers University in New Jersey, also remains in prison, along with his father, a former UNICEF employee.

These are infuriating examples of the Iranian Government unjustly targeting foreigners and using prison sentencing for its political purposes. The regime is seemingly not satisfied with oppressing its own people.

The resolution also notes former FBI agent Robert Levinson who has been "missing" in Iran for 10 years. Some of Robert's children are my constituents in New Jersey, and one of his sons currently works in my office.

It is unacceptable that the Iranian Government is not fully cooperating in locating and returning Mr. Levinson. From everything that I have been able to deduce, they have facts and knowledge, and they have not brought his case to a successful conclusion.

So let me close by simply saying, if Iran wants to be accepted by the community of nations and be observed in the international

order as it suggests it aspires to do so, it has to stop hostage-taking, and stop it particularly in a way that targets United States citizens and legal permanent residents, and uses them, at the end of the day, as pawns.

And I hope that, as we continue to deal with Iran, as I have been privileged to work on with you and with Senator Cardin and with others, that we focus on these lies, because if we were hostage somewhere in the world, we would want our government to forcefully speak out, to ultimately achieve return to our country.

So I strongly support the resolution and look forward to continuing efforts in this regard.

The CHAIRMAN. Thank you. Thank you very much for your statement.

Senator Young.

Senator YOUNG. Thank you, Chairman.

I want to commend Senator Cardin for his work on AGOA and improving the act. It is something I had the privilege of inheriting the responsibility when I served over in the House on the Ways and Means Committee.

I would like to also give a shout-out. You were kind enough to mention Chairman Royce and his leadership on this effort. Charlie Rangel has really led, over the years, with respect to AGOA as well.

I see further opportunities for modernization moving forward on this act, so we are going to have to continue to monitor the success of AGOA. We should debate things like whether or not certain countries should graduate out of AGOA, whether this model should be applied to other regions of the world, and whether the “yarn-forward” standard is something we should continue to embrace.

But thank you for your improvement of the bill.

The CHAIRMAN. Thank you so much for those comments.

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman. I thank you and I thank Senator Cardin for your work on the Chechnyan resolution.

This resolution condemns Chechnyan officials’ torture, murder, and incitement of so-called honor killings of men who are or are suspected of being gay. It calls for an end to persecution, and calls on Russian authorities to investigate and punish the perpetrators and protect the human rights of all citizens.

We have 45 Senators, cosponsors from both sides of the aisle. As you pointed out, Senator Cardin, I introduced it with Senator Toomey to ensure that it would be bipartisan.

And I think it is an important statement for the Senate to make, that we stand united with Chechnya’s LGBTQ community, who are victims of this cruel and murderous treatment at the hands of Chechnyan officials who govern under the authority of Russia. And it is important for us to persistently speak against inhumane treatment of human beings, no matter where they are on the planet.

And I thank you for your consideration and support of this legislation.

The CHAIRMAN. Thank you, sir.

Senator Booker.

Senator BOOKER. Thank you, Mr. Chairman.

I just want to echo the sentiments of my senior Senator, Senator Menendez, just at the outrage, but also the gratitude on S. Res. 245.

Last Congress, Senator Hatch and I offered a resolution calling on Iran to release Siamak and Baquer Namazi. Some of you know that Baquer is in his 80s. He just had to have a procedure to get a pacemaker installed. He was not even allowed time to recover before he was sent back to prison.

These are violations of international values. These are violations of the international order. We will continue, at least with this one Senator, to have me focused on Iran's isolation as well as Iran's inability to participate fully in the international context.

This is a regime that we know believes that hostage-taking is a viable means with which to try to pressure and undermine this government and others around the country.

As Senator Menendez mentioned, Xiyue Wang, a Ph.D. candidate from Princeton University, has been detained, and we know the continuing lack of insight into the condition of Robert Levinson.

So I am grateful that the committee is taking this up again, and I am grateful that we are not allowing these outrages to go without a response and without a demand.

The CHAIRMAN. Thank you.

Thank you so much.

I am concerned that if we express more gratefulness, we are not going to pass these. I thank everybody for their comments and tremendous work, but I am worried that we are going to lose a quorum.

Is there anyone else who wishes to speak to these?

With that, then, first, I will entertain a motion to consider the substitute amendment by voice vote—wait a minute. Let me say what we are moving to.

That was a resolution to increase my pay three times. I am just kidding. I do not even take it.

[Laughter.]

The CHAIRMAN. First, we will move to S. 832, the African Growth and Opportunity Act and Millennium Challenge Modernization Act.

Senator Cardin, we have already spoken to that.

With that, I would entertain a motion to consider the substitute amendment by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendment.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed?

[No response.]

The CHAIRMAN. The ayes have it. The amendment is agreed to. Are there further amendments?

Hearing none, is there a motion to approve the legislation as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 832, as amended.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

Next, we will move to S. Res. 245 calling on the Government of Iran to release unjustly detained U.S. citizens and legally permanent resident aliens.

Are there any amendments?

Hearing none, is there a motion to approve the legislation by voice vote?

Senator CARDIN. So moved.

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. Res. 245.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation is agreed to.

Lastly, we will consider S. Res. 211 condemning the violence and persecution in Chechnya.

I will entertain a motion to consider the substitute amendments en bloc by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendments en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The amendments are agreed to.

Are there any further amendments?

Is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. Res. 211, as amended.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

That completes our committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

I thank all of you for being here. I thank you for your great work.

Yes, ma'am?

Senator SHAHEEN. I think it would be remiss if we adjourned this committee without recognizing that it is Ben Cardin's birthday.

The CHAIRMAN. We already did. It is his 59th birthday today, and we are celebrating it with him, and Menendez sang a chorus.

With that, we are adjourned. Thank you so much.

[Whereupon, at 9:50 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

**THURSDAY, OCTOBER 26, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:35 a.m., in room S-116, the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present. Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Paul, Cardin, Shaheen, Coons, Udall, Murphy, Kaine, and Merkley.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. So, I am going to go ahead and call the meeting to order. I know that people are really accommodating us today. We thank you, and I do not want to keep people here longer than necessary. I have very short opening comments, but I want to get them out of the way so you guys can go to do your business. That is a guide for committee amendments.

The business meeting of the Foreign Relations has come to order. On the agenda today, we will consider S. Res. 279, Reaffirming the Commitment of the United States to Promote Democracy, Human Rights, and the Rule of Law in Cambodia. I want to thank Senators McCain and Durbin for their bipartisan work on this legislation.

The resolution affirms U.S. support to the Cambodian people in the face of Prime Minister Hun Sen's crackdown on civil society. Moreover, it sends a clear message to the Cambodian government that the United States will be watching the events leading up to next year's elections very, very closely. I ask that you approve S. Res 279, as amended by a substitute amendment.

We will also consider a number of nominations, which is probably the most important task today, and an FSO list today. I want to thank my colleagues for helping the committee work through these nominations in an appropriate fashion and allow us to take these steps forward. Senator Cardin, thank you for allowing us to have this meeting. I would love to have any comments you might have.

### **STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, thank you, Mr. Chairman. Mr. Chairman, thank you very much. I want to reaffirm the Chairman's statements. I support the resolution that we have in regards to Cam-

bodia, and thank our colleagues that were responsible for bringing this forward.

The major number on the agenda today deal with nominations. And the Democratic members have been very anxious to accommodate quick consideration, assuming we have all the information we have, of nominees in the State Department, including our ambassadors, because we believe that the President and the administration has been very slow in getting us nominees. And it is critically important that we have confirmed positions in the State Department and our missions around the world in order to represent our country.

Now, there are cases where we do not have all the information and we cannot respond, and there have been questions that have been asked that require follow-up. That is a normal part of the confirmation process. But as far as the timely consideration of nominations, I have seen comments made by the President of the United States saying that Democrats have been obstructionist in that regard. There has been absolutely no obstruction or tactics taken on our side in regards to these nominations. I will point out that there are problems with the administration in complying with what we have asked in Congress, and this is—there needs to be attention given, and we will be following that very closely. But today, we do have the nominees that we will—most of which we will support.

There are two, Mr. Chairman, that we are going to be asking for separate roll call votes on those two, and the first is the nominee to be ambassador to Germany, Richard Grenell. At that hearing, Senator Murphy was the ranking on the Democratic side, and I will yield to him for the concerns that some of us have in regards to his nomination. The other is Governor Senator Brownback to be ambassador-at-large for International Religious Freedom. Senator Kaine was the ranking Democrat at that hearing, and I will yield to him to explain concerns we have with that nominee.<sup>1</sup>

The CHAIRMAN. I wonder if we could yield when we actually get to those people if that is all right.

Senator CARDIN. Yes.

The CHAIRMAN. Since we do not have—just to be transparent. Since we do not have more Republicans than Democrats right now to deal with those, why do we not go ahead and deal with the ones we all—

[Laughter.]

The CHAIRMAN [continuing]. Why do we not deal with the ones we that we know we have no issue, if that is okay.

Senator CARDIN. That is fine.

The CHAIRMAN. Unfortunately, I have to read them all aloud. There are a number of them.

The Honorable Michele Sison to be ambassador of Haiti; the Honorable Peter Hoekstra to be ambassador to the Netherlands; the Honorable Kenneth Juster to be ambassador to India; the Honorable Larry Andre to be ambassador to Djibouti; Mr. Daniel Kritenbrink to be ambassador to Vietnam; Ms. Kathleen Fitzpatrick to be ambassador to Timor-Leste; Mr. Richard Buchan to be ambassador to Spain and Andorra; Ms. Jamie McCourt to be ambassador to France and Monaco; Mr. Ed McMullen to be ambassador to Switzerland and Liechtenstein; Mr. Peter Barlerin to be

ambassador to Cameroon; Mr. Michael Dodman to be ambassador to Mauritania. excuse me. I'm very difficult this morning with pronunciations.

Ms. Nina Fite to be ambassador to Angola; Daniel Foote to be ambassador to Zambia; Mr. David Reimer to ambassador to Mauritius and Seychelles; Mr. Eric Whitaker to be ambassador to Niger; Mr. Robert Kohorst to be ambassador of Croatia; Ms. Carla Sands to be ambassador to Denmark; Mr. Thomas Carter to be representative to the Council of the International Civil Aviation Organization; Mr. Michael Evanoff to be ambassador—Secretary of State for Diplomatic Security; Ms. Jennifer Newstead to be legal advisor—thank you all for that, by the way; Ms. Manisha Singh to be ambassador—Assistant Secretary of State for Economic and Business Affairs, and the one—and there is a FSO list that I think you all have seen.

If we could move on those. All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the nominations and FSO List is agreed to.

Now, one, two, three, four, five, six, seven, eight; one, two, three, four, five, six, seven. It seems like a perfect time—

[Laughter.]

Senator YOUNG. Mr. Chairman.

The CHAIRMAN. It seems like a—yes, sir?

Senator YOUNG. Could I make a quick comment on the record related to Ms. Newstead's nomination, please?

The CHAIRMAN. Yes, sir.

Senator YOUNG. All right. So, if confirmed, we know Ms. Newstead is going to serve as the principal legal advisor to the Department of State on all legal matters, domestic and international. And this committee will not be surprised to hear I have been focused on the situation in Yemen and the steps that—of our Saudi partners and ones they can take to alleviate suffering. In the world's largest humanitarian crisis, it is important for the U.S. government to fully comply with our own laws related to foreign assistance, and to use all our substantial leverage with our Saudi partners to encourage them to take steps to prevent any more in Yemen from starving, and succumbing, to cholera and dying.

In addition to the moral and humanitarian imperative and the requirements of the law, I have also argued why such steps are in the national security interest of the U.S. and Saudi Arabia. Unfortunately, for months our Department of State has been unresponsive to my questions related to the law and that Saudi Arabia's actions mimic. As a member of the State's Oversight Committee, it is important that we follow up on these matters.

That is why I met with Ms. Newstead. I was really impressed by her credentials, but I expressed to her my concerns, and I raised those concerns again in her nomination hearing. I also submitted a number of detailed questions to Ms. Newstead and the Department related to the U.S. law and Saudi actions in Yemen. My office received responses last night after 5:30 p.m. I am grateful for those

responses. I am still reviewing them in great detail. We have conducted an initial review, and it is going to take some time, though.

So, for that reason, just know that I am going to need some more time to review these responses and determine whether they are sufficient in my mind to—before she receives a vote on the floor. And I thank my colleagues for indulging me here today.

Thank you, Mr. Chairman.

The CHAIRMAN. No, thank you, and I appreciate—I am glad you received a response. Hopefully it is adequate, but I understand it is your prerogative in the event or not. So, thank you very much.

Senator YOUNG. Thanks.

The CHAIRMAN. So, I understand we need to have a roll call vote on Sam Brownback and on Richard Grenell.

Senator MERKLEY. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Senator MERKLEY. Could I follow up on my colleague's point? We have had this challenge in a number of committees in getting responses to questions. I guess I am asking if—is it your preference that we set aside that nomination until you have had a chance to review those questions and then take it up again?

Senator YOUNG. It is my preference—I just voted affirmatively. It is my preference to vote Ms. Newstead out of the committee, to review the legal responses, and then I can make up my mind about the path forward.

The CHAIRMAN. She still has a chance on the floor, and—

Senator MERKLEY. I appreciate that point, and I do feel there are times when if we do not get answers before a committee vote, that we should all in a bipartisan fashion send the message we need to get the answers for people to consider. And I think they would be very quick getting us answers if they knew that that might hinder their path.

The CHAIRMAN. Thank you so much. All right. I know that people wish to speak on Mr. Brownback to be ambassador-at-large for the International Religious Freedom, and Mr. Grenell to be ambassador to Germany. So, I will let that happen first, and then we will have roll call vote. And thank you so much for allowing this to go forward, and hopefully all Republicans will stay for just a minute.

Yes, sir.

Senator CARDIN. Well, in regards to Mr. Grenell, let me, if I could, yield to Senator Murphy.

Senator MURPHY. Thank you, Mr. Chairman. I will be quick. Mr. Chairman, I am going to vote no on Mr. Grenell's nomination, but I will admit to it being a close call. He has a history of public service having represented us as a spokesman at the UN. I had a good meeting with him in which he was very forthright about many of my concerns.

But Mr. Grenell, being a long-time public commenter, has had a pretty troubling history of intentional mischaracterizations of U.S. foreign policy. And most disturbingly, a pattern of some very troubling and derogatory comments about women, not just one or two, but a long string of them. We are sending him to be our representative, our ambassador to a country that is headed by perhaps the most powerful woman leader in the world today.

And though we have always sent political ambassadors to Germany, this is not a post that has been traditionally filled by career individuals, we cannot just send people there with this kind of very controversial political record behind that. And so, I think we could have found somebody much more suitable for the position. I am not sure he is going to be able to overcome what are a deeply troubling string of comments behind him. For that reason, I am going to be opposing.<sup>1</sup>

The CHAIRMAN. Thank you, and thanks for allowing this to go forward. Yes, sir?

Senator KAINE. If I could speak about Governor Brownback's nomination, and I will say sort of what Chris did. This was not an easy one. I think I went into that hearing, and I was the ranking at that hearing in the stead of Senator Menendez that day. I went in inclined to support because people that I care about—Greg Wolf, former Congressman Jim Slattery—were supportive. I just found the hearing very, very troubling.

I had a couple of concerns, and I know Senator Shaheen had a couple, and I felt like Governor Brownback's answers were very troubling. The first dealt with his feeling about LGBT citizens, two actions that I asked him about. He has an executive order that preceded him in Kansas that protected folks, even on the grounds of sexual orientation, from being discriminated against in the workforce. He did not change it. He accepted that order in his first term, during part of his second term. Then in a way that looked very gratuitous, in the middle of his second term he just retracted that protection for LGBT Kansans.

There had not been controversy about it. It was not creating a problem. But he just acted to retract it in a way that I thought was gratuitous, and when I asked him about it, I did not find his explanation convincing. He said, well, you know, the legislature should do that. I asked him if he commonly did executive orders. He said that he did, and you only do executive orders when the legislature does not do something. So, I did not find that convincing. Harry Truman integrated the military via executive order. He did not wait for Congress to do it. So, retracting a protection on that ground seemed unusual.

But more troubling was a series of questions that I asked Governor Brownback about the persecution of LGBT folks around the world. People can be jailed, people can be prosecuted, people can be executed simply for being LGBT. And I asked him very bluntly whether that was acceptable if somebody claimed a religious motivation for such laws, and he would not give me an unequivocal and plain answer. He could not condemn the persecution, prosecution, imprisonment, or even execution of people who are LGBT if somebody or some country claimed that there was a religious motivation for it.

I think feelings about these issues of sexual orientation are really deeply held, and having differences of opinion, and churches do and people do, those are all fine. But when it—when it extends to the civil space, we have a Constitution that says everybody is entitled to equal protection. And I do not think you—of the laws, and I do not think you can use a religious motivation to suggest that some people—that it is okay to treat some people in a second-class way.

And his inability to answer what I thought was a softball question, and the repeated attempts to get him to answer the softball question, I found to be very troubling.

Senator Shaheen had some similar concerns and questions about his stance on women's rights, his support of an anti-Sharia law provision he enacted in Kansas. And I think what we sort of came to the conclusion about is if there was a position to protect Christian minorities, Governor Brownback would be fantastic at that, and he would be vigorous in it. That is an important thing to do. But I think folks of other religions in a minority standpoint would not really feel like he would have their back. And that is a foundational Jeffersonian principle, first in the extension of religious freedom in Virginia in 1780, and then in the First Amendment. Everybody should feel like they're protected in how they worship or not, and they should not be hurt or punished based on that.

And I do not believe that Governor Brownback has really acted that way, and I would worry that he would not send a message about the full extent of what we believe about religious freedom in this country. So, for that reason I am going to oppose him.

The CHAIRMAN. Well, listen, thank you both. Thank you all for actually allowing us to go forward, and I actually understand the concerns. I plan to support these nominees, but I appreciate the fact that we can disagree agreeably and raise concerns appropriately. And with that, Do we want to do them separately?

Senator CARDIN. Separately.

The CHAIRMAN. Do them separately. So, I guess I would entertain—

All those in favor of Mr. Grenell—we will do it by roll call. Okay. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator CARDIN. No by proxy.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.  
 The CLERK. Mr. Coons?  
 Senator COONS. No.  
 The CLERK. Mr. Udall?  
 Senator UDALL. No.  
 The CLERK. Mr. Murphy?  
 Senator MURPHY. No.  
 The CLERK. Mr. Kaine?  
 Senator KAINE. No.  
 The CLERK. Mr. Markey?  
 Senator CARDIN. No by proxy.  
 The CLERK. Mr. Merkley?  
 Senator MERKLEY. No.1  
 The CLERK. Mr. Booker?  
 Senator CARDIN. No by proxy.  
 The CLERK. Mr. Chairman?  
 The CHAIRMAN. Aye. The clerk will report.  
 The CLERK. Mr. Chairman, the yeas are 11; the nays are 10.  
 The CHAIRMAN. It will pass out of committee and go to the floor.  
 Thank you all.  
 And now, we are going to have a vote for Governor Brownback.  
 The clerk will call the roll.  
 The CLERK. Mr. Risch?  
 Senator RISCH. Aye.  
 The CLERK. Mr. Rubio?  
 Senator RUBIO. Aye.  
 The CLERK. Mr. Johnson?  
 Senator JOHNSON. Aye.  
 The CLERK. Mr. Flake?  
 Senator FLAKE. Aye.  
 The CLERK. Mr. Gardner?  
 Senator GARDNER. Aye.  
 The CLERK. Mr. Young?  
 Senator YOUNG. Aye.1  
 The CLERK. Mr. Barrasso?  
 Senator BARRASSO. Aye.  
 The CLERK. Mr. Isakson?  
 Senator ISAKSON. Aye.  
 The CLERK. Mr. Portman?  
 Senator PORTMAN. Aye.  
 The CLERK. Mr. Paul?  
 The CHAIRMAN. Aye by proxy.  
 The CLERK. Mr. Cardin?  
 Senator CARDIN. No.  
 The CLERK. Mr. Menendez?  
 Senator CARDIN. No by proxy.  
 The CLERK. Mrs. Shaheen?  
 Senator SHAHEEN. No.  
 The CLERK. Mr. Coons?  
 Senator COONS. No.  
 The CLERK. Mr. Udall?  
 Senator UDALL. No.  
 The CLERK. Mr. Murphy?  
 Senator MURPHY. No.1

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator CARDIN. No by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator CARDIN. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 11; the nays are 10.

The CHAIRMAN. Thank you all so much. The nomination passes. It will go to the floor, and we will work together to have the confirmations that are necessary to fill the State Department.

Lastly, we will consider S. Res. 279, Reaffirming the Commitment of the U.S. to Promote Democracy, Human Rights, and the Rule of Law in Cambodia. I will entertain a motion to consider the substitute amendment, which will make a small adjustment for clarity, en bloc by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?1

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the substitute amendment en bloc by voice vote.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. The ayes have it.

Is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve S. Res. 279, as amended.

All in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. And with that, the ayes have it, and the legislation, as amended, is agreed to.

That completes the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

And with that, the committee will stand adjourned. Thank you all for your cooperation.

[Whereupon, at 9:55 a.m., the meeting was adjourned.]

## **BUSINESS MEETING**

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**TUESDAY, NOVEMBER 14, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:02 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Rubio, Isakson, Gardner, Young, Barrasso, Flake, Portman, Cardin, Shaheen, Coons, Udall, Murphy, Kaine, Markey, and Merkley.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The Senate Foreign Relations business meeting will come to order.

We are going to do just a little bit of business on the front and hopefully take care of some business quickly. I know people have other meetings. Then we are going to move to the hearing itself.

We do thank our witnesses for allowing us to do this, and we are glad you are here.

We have a number of items on the agenda today. We will move a number of nominations and Foreign Service Officer lists. We will also take up S. 1928, the Multilateral Aid Review Act of 2017.

I want to thank Senator Coons for his leadership and hard work on this bill. I want to also recognize Senators Isakson, Rubio, Young, Kaine, and Merkley for their contributions to this important bipartisan legislation before our committee.

This bill would establish a process for conducting objective reviews on how well multilateral institutions carry out their missions with our funding. The authorities sunset after four review periods in 11 years.

Through this process, we will be able to evaluate their performance in an objective way. The review will look at performance, management, accountability, transparency, alignment with U.S. foreign policy goals, and efficiency.

The U.S. spent around \$11 billion to support the work of these entities, and we owe the U.S. taxpayers good value for their money. These reviews will help us make better informed decisions about how to prioritize scarce resources. It will also provide solid grounds for advocating for changes and reforms.

Others, such as the United Kingdom and Australia, have done similar reviews of their multilateral contributions --with good results.

I urge you to support this effort to promote greater accountability for our spending on multilateral entities.

Senator CARDIN. do you have any comments you wish to make?

**STATEMENT OF HON. BENJAMIN L. CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Yes, I do, Mr. Chairman. But before I comment on the bill and nominations that are on our agenda, I want to comment regarding information statistics regarding the Foreign Service that have been made public over the last week.

Ambassador Barbara Stephenson of the American Foreign Services Association stated last week that, "There is no denying that our leadership ranks are being depleted at a dizzying speed, due in part to the decision to slash promotion numbers by more than half. The Foreign Service Officer Corps at State has lost 60 percent of its career Ambassadors since January. The ranks of career ministers, our three-star equivalents, are down from 33 to 19. The ranks of our two-star minister counselors have fallen from 431 after Labor Day to 369 today and are still falling."

Ambassador Stephenson, who is the president of the governing board of the AFSA, is imploring us to ask why.

I feel like I have been asking why of the administration and the State Department on a lot of issues lately, including the myriad personnel, budget, and reorganization matters. I am not getting a lot of answers.

Just as one small example, although the Trump administration lifted the Federal hiring freeze in April 2017, the State Department and USAID has elected to keep its own hiring freeze in place. Why? My impression is that the morale is at an all-time low at the State Department and USAID causing a massive exodus of diplomatic and development expertise.

Why is this happening? And what is the department's leadership doing about it?

Our President said recently that we do not need to worry about the fact that many of the senior-level positions at the State Department remain unfilled because, when it comes to foreign policy, his opinion is the only one that matters. Why on Earth would he say that? For the thousands of FSOs around the world working to advance the ideals of the United States, this was a horrible message.

If this sort of high-level decapitation of leadership was going on at the Defense Department with three- and four-star officers resigning, and younger officers and enlisted personnel suffering low morale and leaving as well or not even signing up, I can guarantee you that Congress would be up in arms. Yet, here, there is silence. Why?

The State Department and USAID, I would offer, are every bit as vital and critical an element to our national security as the Department of Defense, the intelligence community, law enforcement, and myriad of others in the Federal Government who work tirelessly every day to protect our security, extend our prosperity, and promote our values.

Folks, this situation is alarming. We put our country in danger when we do not have adequate voice and resources to all of our country's national security tools. Secretary Madeleine Albright once

said, "In a turbulent and perilous world, the men and women of Foreign Service are on the frontlines every day on every continent for us."

This committee needs to continue to press this issue. It is our responsibility to make sure that we have the diplomatic assets in place in order to represent our national security.

Moving to the legislative item, I want to thank Senators Corker and Coons for their effort on this bill.

Multilateral institutions are a critical part of our foreign assistance efforts. They help us coordinate activities, leverage funds, and advance our national interests and values. If successful, the Multilateral Aid Review Act will provide us with clear metrics, reliable talent, and solid analysis of our multilateral investments.

Mr. Chairman, I hope every member of the committee will read the bill, because I think it does spell out what our expectations are in regard to carrying out missions, the right use of resources, and that we review this on a periodic basis so that we make sure that our multilateral efforts are in our national security interests.

I think this is an important bill, and I applaud you for your work.

One last point, if I might. I know we have a quorum, but one last point.

We are getting near the end of this work period. We only have one more work period remaining before we adjourn for the year. There is an extremely important bill that Senators Rubio and Baldwin have been working on, the just act, which would require additional State Department reporting on European government efforts to return or provide restitution for property wrongly seized during the Holocaust.

I have said this before, but time is running out on this issue. As people are getting much older, fewer are surviving. And it is becoming much more difficult to deal with restitution.

I really applaud the work that was done on this bill. I know there are many members of this committee that are cosponsors, including Senators Johnson, Young, Booker, Coons, Menendez, and Markey. And I would just urge the Democratic and Republican staff to try to get together with the sponsors to see whether we can move this bill through our committee this year.

And I appreciate the Chairman's attention.

The CHAIRMAN. Thank you. I would like to ask if it is possible, because I know we have conflicts taking place at 10:15, if we could go ahead and move through the business. If people want to make comments afterward, I am glad to hear it. Obviously, we are going to have a long hearing.

So let me just say, we had a very unsatisfactory meeting last week with the State Department, our two staffs did. I think the concerns about the State Department are bipartisan in nature. I do not think they are anywhere close to having a plan to present relative to the reforms that they want to make there. And I do think that we need to be much more focused on holding them accountable, because I think many of the things that you said, if not all, but many of them anyway, are very true.

With that, I understand that Mr. Ueland for the Under Secretary of State, Management, has been held over, and he will be considered on the next business meeting.

I would entertain a motion to approve the remaining nominations en bloc by voice vote, including Ms. Lisa Johnson, Mr. Sean Lawler, Mr. Steve Goldstein, Ms. Rebecca Gonzalez, and two Foreign Service Officer lists.

Senator CARDIN. So moved.

Senator PORTMAN. Second.

The CHAIRMAN. So moved and seconded.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. Are there any recorded noes that any individuals would like on any of these nominations?

[No response.]

The CHAIRMAN. Seeing none, the ayes have it, and the nominations and promotions are agreed to.

Next, we will move to S. 1928. First, I would entertain a motion to approve the substitute amendment and the Portman amendment en bloc by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator PORTMAN. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendment and the Portman amendment en bloc.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The amendments are agreed to.

Are there any further amendments?

Senator GARDNER. Mr. Chairman. Thank you, Mr. Chairman. I appreciate the work of the committee on the Multilateral Aid Review Act of 2017.

I have two amendments here. I would like to thank Senator Rubio for joining me as a cosponsor on both of these amendments.

One addresses the issue of Taiwan. It talks about using the United States' voice and our vote in international organizations to make sure that we are advocating for the addition of Taiwan as an observer to such organizations and entities. We did it last year with Interpol, and I believe we should stand up for Taiwan as a great partner and an especially important voice in these international organizations.

The other amendment is addressing North Korea. In a meeting that Senator Markey and I hosted with a former resident of North Korea, a high-level defector, the Deputy Ambassador to the United Kingdom, he said that the one thing that could make a difference in North Korea is cutting off diplomatic relations with North Korea, other nations around the globe that have not done that yet, and isolating, diplomatically, north Korea as much as possible.

So this amendment would use our voice and vote in international organizations and entities to do just that, to make sure that we are stressing the importance of diplomatic isolation of the North Korean regime.

And I think these two amendments present a very significant contrast. You have Taiwan, somebody that we want to partner with, somebody that is an incredible partner, somebody who abides by and respects the rule of law, that cannot participate in these international organizations. And then you have North Korea that has been sanctioned almost greater than any other nation on the face of this planet by the United States, and yet they are allowed to be in the United Nations. They are allowed to be a full part of the diplomatic community.

So I think this is just a good contrast where, why is the nation that is testing nuclear bombs in violation of every sanction possible being treated better than Taiwan that is a great international partner?

So I am going to withdraw these two amendments for the sake of moving forward on 1928, but I do think it is important that we continue this conversation.

I thank you for the work that you have been doing on this legislation.

The CHAIRMAN. Thank you. And I do want to point out that, as a new member on this committee, you passed one of the most meaningful pieces of legislation that has ever been passed on North Korea. I know we have had legislation passed since that time, and I know there is a Banking Committee piece that has passed out on sanctions. I understand you are working very closely with us and with the sponsors of that bill to add your language there, and I just want to thank you for being so focused on that part of the world and your leadership of that committee.

And thank you for withdrawing these, so that we can work constructively toward another end on the bill I am talking about.

Is there a motion to approve the legislation as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator KAINE. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 1928, as amended.

All in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

That completes the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

With that, the committee stands adjourned exactly at 10:15, as we said. We will see Finance Committee members later. Thank you so much. I appreciate it.

Senator COONS. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator COONS. If I could just briefly thank you for working with me on this bill, and thank Senator Cardin, and thank everybody who has been a cosponsor.

We spend \$10 billion a year on the United Nations, World Bank, and a lot of other organizations, and I appreciate this approach, and I appreciate Senator Merkley's amendment that will make the whole methodology more transparent.

I think we have to continue on a bipartisan way to work to make sure that what foreign aid we are investing is done well and wisely, and I appreciate the opportunity to work together on the bill.

The CHAIRMAN. I appreciate being able to work with you on this. I think people understand, too, this also gives us the ability with this data to strongly support those agencies that we believe ought to be strongly supported if they are producing good results, so thank you.

Senator COONS. Thank you, Mr. Chairman.

The CHAIRMAN. So with that, we will now move to the hearing. [Whereupon, at 10:16 a.m., the meeting was adjourned.]

## BUSINESS MEETING

TUESDAY, DECEMBER 5, 2017

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 2:35 p.m., in room-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker, Risch, Rubio, Johnson, Isakson, Gardner, Young, Barrasso, Flake, Portman, Paul, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. I am going to call the meeting to order. I want to thank everybody for coming.

I have a number of things I could say on the front end, and, Ben, I am sure you could, too. But I wonder, I know that Portman only has 15 minutes here.

Senator PORTMAN. I am presiding.

The CHAIRMAN. You are presiding. That is right.

Would you object if we just go straight to the votes and then give comments after?

Senator CARDIN. That is fine.

The CHAIRMAN. Is that okay with members that may want to give comments?

Senator CARDIN. I do want to just explain to the members, I understand how you may be voting on the nominees, but I will be explaining why I will not be supporting two of the nominees. I just want all the members to know that we have concerns with two of the nominees that we are going to be voting on, that is Mr. Ueland and Mr. Evans.

The CHAIRMAN. Well, because of those concerns and because Murphy has walked in and made it 7 to 6, we will hold off on the noms.

[Laughter.]

The CHAIRMAN. So why don't we go ahead and move to the other business, and we will do the noms when either a couple Democrats leave—

[Laughter.]

The CHAIRMAN [continuing]. Or another Republican comes in.

So I guess what we will do—again, we will make comments after, for the record. I appreciate the work that so many people have done, and I want to give those accolades in just a moment.

But let's move to S. 1118, the North Korean Human Rights Reauthorization Act. I would like to entertain a motion to approve the substitute amendment and the Rubio amendment, en bloc, by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MURPHY. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendment and the Rubio amendment.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it, and the amendments are agreed to.

Is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

Senator RUBIO. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 1118, as amended.

All in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

Next, we will move to S. 1901, the LEED Act. First, I will entertain a motion to approve the substitute amendment and manager's amendment, en bloc, by voice vote.

Senator CARDIN. So moved.

Senator GARDNER. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendment and the manager's amendment.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The amendments are agreed to.

Are there any other amendments?

Senator MARKEY. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator MARKEY. Thank you, Mr. Chairman. Mr. Chairman, first of all, I want to thank you and the ranking member—

The CHAIRMAN. Let me ask you if I can do this, if I could? Is there any way, in the middle of a motion, to move to something else?

Senator MARKEY. By unanimous consent, you can do anything.

The CHAIRMAN. By unanimous consent, because of the mix that we have here in the room, and because I know you all are not wishing to obstruct, can we stop the business at hand and take up the nominations?

Senator CARDIN. That is perfectly okay. As I explained before some of you got here, I am going to vote against Mr. Ueland and Mr. Evans. I am more than happy to go over the reasons, if members would like to have them prior to the vote. But I think we have gone over this before.

So I am prepared to allow the votes to go forward and will put into the record the reasons after the vote.

Senator ISAKSON. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator ISAKSON. The Senator from Maryland and I have talked about this before. I want to say that Randy Evans is a great Georgian. He has been a great American who has worked in a number of administrations. He will be a great Ambassador.

The CHAIRMAN. Thank you. Thank you so much.

Are we still good?

Senator SHAHEEN. No.

The CHAIRMAN. Hey, Coons, could you leave the room?

[Laughter.]

The CHAIRMAN. Seriously, do you not need to go to the—

Senator CARDIN. I want to compliment my Democratic colleagues for being here.

The CHAIRMAN. With unanimous consent, we will move back to the business that we did have at hand, which was that Senator Markey had some comments about the bill before us.

Senator MARKEY. Thank you, Mr. Chairman, very much.

We are talking here about additional sanctions that should be and, in my opinion, must be applied to deal with the situation in North Korea.

We have Members of the Senate who are publicly talking about the need to evacuate 200,000 Americans from the South Korean Peninsula. We are on a march to war. We have a dangerous situation that is only escalating.

The Banking Committee's legislation is a good piece of legislation, but it excludes the key sanctions that have been successful in the past to drive the North Koreans to the table. That includes sanctions on oil and sanctions on slave wages.

And so I appreciate the language that has been included in the bill, the reporting language on oil exports, additional sanctions on illicit drug production, stronger reporting in general. But my feeling is that we are at a critical juncture as North Korea moves very rapidly toward the perfection of its ICBM program with miniaturization of a hydrogen bomb that can reach the United States.

They have telescoped the timeframe. They are moving very rapidly. I do believe that we should be imposing much tougher sanctions.

With Jeff Merkley, Chris Van Hollen, we went to Korea in the last week of August. When we were on the Yalu River, in the major commercial connection between North Korea and China, we took this picture of an oil truck going across the bridge from China into

North Korea. It is happening as we speak, in addition to a crude oil pipeline, which continues to flow on a daily basis.

In my opinion, if we do wind up with a military action that takes place, and it escalates rapidly, the American people will want to know that we actually imposed the toughest possible sanctions without engaging in regime change, that we sent the message, and we gave the discretion to the administration to use this power wisely.

That has not happened yet. I think in the same way in Russia and Iran that the Senate acted, we should do so now, given the escalation of rhetoric that has taken place.

So I appreciate, Mr. Chairman, that you do not want amendments at this point in time on these issues. But my own opinion is that, if we can peacefully stop Kim from finishing his program, that we should exhaust all remedies to do so.

I think many people now look back at the war in Iraq and they say that we did, in fact, stop his nuclear weapons program, but yet we had a war anyway that cost a trillion dollars and untold misery to hundreds of thousands of families in our country.

So my own perspective on this is that the Foreign Relations Committee should play a very robust role at this time, given all of the rhetoric that we are hearing from the White House and now increasingly from the Senate floor.

And I will not make the amendments at this time, Mr. Chairman, but I do think it is a subject before we reach the floor of the Senate that we have to discuss. If a sanctions package is going to pass, and we know that, in 1994 and in 2006, that is what drove the North Koreans back to the table, if we have not attempted to truly use that option, then we will not have played our role in trying to exhaust every remedy before a war begins.

The CHAIRMAN. Very good.

Senator CARDIN. And I will have some comments later on.

The CHAIRMAN. And I know other people—Cory has worked very closely. Thank you for the additions you have made.

If you will, I am going to move ahead, and we can talk more about this, if it is okay, just because of some other business that has to happen.

Is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator PAUL. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 1901, as amended.

All in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

We are going to move back to nominations.

Senator CARDIN. You can move, I think, 10 through 15 en bloc. There may be some individual recorded noes.

The CHAIRMAN. So, first, I understand we need to move to a roll-call vote on the first two nominations. We will consider Eric Ueland

to be Under Secretary of State for Management. I understand that this has to be a roll-call vote.

The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

The CLERK. Mr. Chairman, the yays are 11. The nays are 10.

The CHAIRMAN. And if we could, let's move Senator Risch's vote to present aye, not proxy aye, if that is okay with him.

With that, the ayes have it, and he will be reported to the floor.

Next, we will entertain a motion to deal with Mr. James Randolph Evans to be Ambassador to Luxembourg.

The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.  
 The CLERK. Mr. Rubio?  
 Senator RUBIO. Aye.  
 The CLERK. Mr. Johnson?  
 Senator JOHNSON. Aye.  
 The CLERK. Mr. Flake?  
 Senator FLAKE. Aye.  
 The CLERK. Mr. Gardner?  
 Senator GARDNER. Aye.  
 The CLERK. Mr. Young?  
 Senator YOUNG. Aye.  
 The CLERK. Mr. Barrasso?  
 Senator BARRASSO. Aye.  
 The CLERK. Mr. Isakson?  
 Senator ISAKSON. Aye.  
 The CLERK. Mr. Portman?  
 Senator PORTMAN. Aye.  
 The CLERK. Mr. Paul?  
 Senator PAUL. Aye.  
 The CLERK. Mr. Cardin?  
 Senator CARDIN. No.  
 The CLERK. Mr. Menendez?  
 Senator MENENDEZ. No.  
 The CLERK. Mrs. Shaheen?  
 Senator SHAHEEN. No.  
 The CLERK. Mr. Coons?  
 Senator COONS. No.  
 The CLERK. Mr. Udall?  
 Senator UDALL. No.  
 The CLERK. Mr. Murphy?  
 Senator MURPHY. No.  
 The CLERK. Mr. Kaine?  
 Senator KAINE. No.  
 The CLERK. Mr. Markey?  
 Senator MARKEY. No.  
 The CLERK. Mr. Merkley?  
 Senator MERKLEY. No.  
 The CLERK. Mr. Booker?  
 Senator BOOKER. No.  
 The CLERK. Mr. Chairman?  
 The CHAIRMAN. Aye.  
 The clerk will report.  
 The CLERK. Mr. Chairman, the yays are 11. The nays are 10.  
 The CHAIRMAN. Thank you.  
 Senator Portman thank you so much for being here.

Next, we will entertain a motion to move the following nominees, with one resolution: Mr. Chris Ford to be Assistant Secretary of State for International Security and Nonproliferation; Yleem Poblete to be Assistant Secretary of State for Verification and Compliance; Rear Admiral Kenneth Braithwaite to be Ambassador to Norway; Brock Bierman to be assistant administrator of USAID for Europe and Eurasia; Lee McClenny to be Ambassador to Paraguay; and S. Res. 150, the World Press Freedom Day Resolution.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it and the——

Senator CARDIN. I think there might be some members—I want to make sure that none of our members want to be recorded as no.

The CHAIRMAN. Sure. Does anybody want to be recorded?

With that, the ayes have it, and the nominations and the resolution are agreed to.

Next, we will move to S. 447, the Justice for Uncompensated Survivors Today Act. First, I will entertain a motion to approve the substitute amendment by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendment.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The amendment is agreed to.

Is there a motion to approve the legislation, as amendment?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the legislation, as amended.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

Lastly, we will consider S. Res. 139. First, I will entertain a motion to approve the preamble and resolving clause amendments, en bloc, by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the preamble and resolving clause amendments, en bloc, by voice vote.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The amendments are agreed to.

Is there a motion to approve the resolution, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the resolution, as amended.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. With that, the ayes have it. The resolution, as amended, is agreed to.

And with that, I want to thank everybody for letting us do this in a somewhat unorthodox manner.

I have some opening comments that I will make later. I know that is unusual, but I know we have members that want to speak to North Korea and others, and I would be glad for anyone who wants to make comments other than myself to do so at present.

Senator CARDIN. If I might, Mr. Chairman, let me, if I might, comment on several of these issues.

First, in regard to S. 1901, I want to thank Senator Gardner and Senator Markey for their work on this. A lot of what Senator Markey said in regard to trying to strengthen this, I certainly look forward to working with you.

We want the toughest possible sanctions against North Korea, considering their continued belligerent behavior in violation of international nonproliferation, as they are very much with their ballistic missile testing and their nuclear program.

I also just want to acknowledge one part of this bill, which I think is very, very important, and that is that our objective is clearly a complete, verifiable, and irrefutable dismantling of their nuclear program. But we recognize that the way forward to get this resolved is through a surge in diplomacy. And I just really want to underscore that point.

We recognize that the only way that is going to work is with the United States working with our international partners, particularly Japan and the Republic of Korea, but also Europe, in a common position with China so that we have a strategy where diplomacy can work, where there is confidence that our objective is the denuclearization of the Korean Peninsula, not a regime issue, and that we are prepared to have steps taken to build confidence in our goal to achieve a nonnuclear peninsula.

I think that is clearly our best case forward. And I want to make it clear that, as I look at this bill, I think it helps us to achieve that end. I just want to underscore the point that we really need to facilitate diplomacy that makes sense, particularly working with China, because they could change the equation in North Korea.

In regard to S. 1118, I want to thank Senator Rubio for his work on that. I was pleased to work with him on that particular issue. Human rights in North Korea, it is the worst country of the world.

This weekend, we celebrate International Human Rights Day. I think it is appropriate that we pass out of the committee this particular bill at this particular time because North Korea violates just about every human rights standard.

As one of our former ambassadors to the United Nations said, they grow missiles rather than allow their children to grow. And it is a true statement. They starve their population. They commit murders of people who disagree with the regime. They use rape. They use sexual violence. They persecute on religion and political reasons, gender persecution, and the list goes on and on and on.

So I am very pleased that we are speaking with a united voice in regard to the reauthorization of the North Korean Human Rights Act.

Thank you for moving S. 447. Again, I thank Senator Rubio and Senator Baldwin. This will require the State Department to report on the status of countries on the return of stolen properties against Jews during World War II. I think the fact that we are going to do that inventory will have a very positive impact on actions of other countries to at last return stolen property to the rightful heirs.

And I thank the Chairman for moving this resolution through this committee.

I want to thank Senator Rubio for his two resolutions, one on press freedom, the other on the persecution of the Baha'i minority.

In regard to the nominees, I want to just put on the record the reasons why the Democrats oppose Mr. Ueland to be Under Secretary of State for Management.

We were concerned by his response during the hearing. I had asked him a question in regard to following the direction of Congress in regard to appropriated funds. I got, at that time, I thought an acceptable answer. Senator Shaheen followed it up with additional questions, and the responses were not satisfactory.

We have a challenge that we want people that we confirm to carry out the laws that we pass, and I was not convinced that Mr. Ueland would be that strength in management to carry out the appropriations that we pass in Congress that are desperately needed.

You know, we have a disagreement with this administration on funding. Democrats and Republicans both agree that the administration's budget is not realistic, and we are going to provide more money. And both the House and Senate Appropriations Committees have provided more money. We want to make sure that the person who is responsible to carry this out will, in fact, carry out the legislative mandate on the department.

And when you put on top of that the problems we are having with this administration on its plan to redesign the department, which we have yet to see and we do not know when it is coming; the freeze they have on hiring; their inability to fill critical positions, we need a strong voice in this position. And I think we are not comfortable that Mr. Ueland is the right person to do that.

In regard to Mr. Evans, a very fine person, I agree with you. We have a concern about what he did in not carrying out a court order on voter participation. And what he did, it is hard for us to understand sending out instructions that were contrary to a court order in regard to participation in an election. And that has caused us to have concern as to whether he should be confirmed as Ambassador.

Thank you, Mr. Chairman.  
The CHAIRMAN. Thank you.

Senator Merkley.

Senator MERKLEY. Mr. Chairman, was Dr. Poblete in the list that you read?

The CHAIRMAN. She was.

Senator MERKLEY. I would like to be recorded as a no vote.

The CHAIRMAN. Without objection.

Senator BOOKER. I would like to also be recorded as a no vote.

The CHAIRMAN. Without objection.

Are there any other comments?

Senator Gardner, thanks again for your great work. And I want to personally thank you for the fact that the Banking Committee had a bill that came out. You authored, and we collectively passed, an outstanding North Korea bill under your leadership, and I appreciate that very much.

The Banking Committee has jurisdiction over sanctions, and we know bills can be rewritten in certain ways to go to certain committees. But you and Senator Markey have worked together to complement that, and you have done so in a cooperative way, and I very much appreciate both of you doing it. My understanding is the likelihood is those two bills will be joined on the floor. And I thank you for your patience.

And with that, I will turn to you.

Senator GARDNER. Thank you, Mr. Chairman. And Senator Markey and I have no idea what you are talking about, writing bills to try to get around somebody else's jurisdiction.

But I want to thank you for your support and this committee's work, really, on North Korea, because last year's legislation that Senator Menendez was so instrumental in passing, Senator Cardin as well, really did set a strong tone against North Korea.

At the time, when we passed that legislation, North Korea was the eighth most sanctioned nation on Earth by the United States, according to the Foundation for Defense of Democracy. Today, they are the fourth most sanctioned nation by the United States, since the passage of our legislation. That is a 214 percent increase in sanctions against North Korea.

But we still have a very long way to go to ramp up the maximum pressure, to ramp up the economic and diplomatic pressure on North Korea. There is still room on this runway left for economic and diplomatic pressure before any other action is taken by the United States.

So I believe there must be more to achieve that goal, which is the complete, verifiable, irreversible dismantling of the North Korean missile program.

China is critical to this, especially. According to C4ADS, there are over 5,000 businesses in China that still do business with North Korea today. The original legislation that Senator Markey and I—again, Senator Markey has been an incredible partner in this. And I think I agree wholeheartedly with what he said about increasing pressure, this moment in time we have, before anything else happens.

Our original legislation identified 10 businesses in China that are responsible collectively, these 10 businesses, for 30 percent of the trade China has with North Korea. Remember, North Korea and China, China is responsible for 90 percent of North Korea's

economy. These 10 companies were responsible for 30 percent of North Korea and China trade. One company is responsible for 10 percent of the trade with North Korea.

I would just ask unanimous consent for the record, our legislation that we introduced identified these 10 businesses and said that we are going to cut off access to U.S. markets and financial systems as a result of their continued decisions to do business with North Korea. When we introduced the legislation, I think this is important for members to know, when we introduced the legislation, we named and identified these 10 businesses. We immediately got contacted by many of these businesses.

I would just ask unanimous consent to submit two of the letters we received from the 10 we named, one from China Dawn Garment Company talking about their cessation of trade with North Korea. This is another letter from another company, Rizhao Steel Holding Group. Both have said they will no longer do business with North Korea.

I would just ask this to be submitted for the record.

[The material referred to above is located at the end of this transcript (December 5, 2017)]

Senator GARDNER. We were contacted by others in that top 10 list. So just the mere fact that the United States Senate introduced legislation made a significant difference in terms of doing business with North Korea.

But there is more to do. So the LEED Act is an incredibly important part of this. We have to make it clear that you either do business with North Korea or you do business with the largest economy in the world, the United States. That is what this legislation does.

We have worked with the administration to convince 20 nations around the globe to downgrade their diplomatic relations or cut off trade with Pyongyang. The Philippines was the number three trading partner with North Korea. In August, they announced that they were cutting off their trade with North Korea.

And this legislation helps promote that idea of complete, verifiable, irreversible dismantlement of North Korea's ballistic and nuclear program, and that that is the only acceptable outcome of any negotiations.

That is what we are trying to do. That is why the CVID policy is so important.

And I want to commend Senator Markey for the opportunity to work with you. We are going to work on this bill together with Senators Van Hollen and Toomey.

But note that this committee, the Foreign Relations Committee, has done such an incredible job. When nobody else was paying attention to North Korea, this committee was leading. I want to thank all of you for playing a part in that.

Senator MARKEY. Will the gentleman yield?

Senator GARDNER. Certainly.

Senator MARKEY. And I thank the Senator from Colorado for his partnership in working on this legislation.

I asked the Chinese Ambassador last week, why don't you just cut off the oil into North Korea? He said, well, right now, the Russians provide oil as well, so what would the point be?

And so they share a border with North Korea, with Russia and with China. So the amendment that we were going to propound would deal with both of those countries, to make sure that we were turning off the spigot, so Russia cynically does not undermine our foreign policy goals by increasing the viability of Kim's regime, notwithstanding anything that the Chinese did.

So again, I thank the Senator from Colorado. He has been great to work with.

And I do hope that between now and the floor that we can beef this up to be more realistic about what the pressure point is on the North Korean economy. And, ultimately, that is the slave wages and the oil.

Senator GARDNER. Reclaiming my time, Senator Markey makes a good point. We met with Ambassador Thae. Ambassador Thae was one of the highest level defectors from North Korea. He was the deputy ambassador to the United Kingdom. He said one thing about cutting off petroleum to North Korea. He said two outcomes would result directly from that action. Number one is the collapse of the regime. Number two, if the regime does not collapse, they would have to end the nuclear program.

So I think either of those outcomes certainly set back, if not end outright, the nuclear program. It is a very important and powerful tool that we still have not flexed yet.

The CHAIRMAN. So we have a hearing, as I understand it, immediately hereafter. What I am going to do, if it is okay, is just ask that my opening comments be entered into the record, as they are written, which is better than I could deliver them.

[The Chairman Corker's prepared statement follows:]

PREPARED STATEMENT OF SENATOR BOB CORKER, CHAIRMAN OF THE COMMITTEE

We know some of you have had concerns with a couple of today's nominees, and we thank you for working with us to bring their nominations to a committee vote.

First, we will consider S. 1118. I would like to commend Senator Rubio for his leadership on North Korean human rights along with the other cosponsors of the North Korea Human Rights Reauthorization Act of 2017, including Senators Cardin, Gardner, Menendez and Cruz. At a time when the world's attention is on North Korea's destabilizing nuclear and ballistic missile activities, it is critical that we also shine a light on North Korea's human rights abuses. Since 2004, the North Korea Human Rights Act has provided a framework for U.S. and international efforts to expose the brutality of the North Korean regime and provide much needed assistance to the beleaguered North Korean people, including access to information.

We will also consider S. 1901, the LEED Act. I would like to thank Senators Gardner and Markey for introducing this legislation to help shape and focus a comprehensive U.S. strategy toward North Korea.

In addition, I also would like to thank Senator Cardin and his staff for working with us to fine tune the substitute amendment and the manager's amendment that will serve to complement the Banking Committee's recent effort on S.1591, the Otto Warmbier Banking Restrictions on North Korea Act of 2017.

I am proud of the critical role that this committee has played on a bi-partisan basis in drawing attention to and providing invaluable tools to address the North Korea threat over the past several years, including the landmark North Korea Sanctions and Policy Enhancement Act of 2016 under the leadership of Senators Gardner and Menendez.

I am confident that the LEED Act will also contribute to our efforts to find a diplomatic solution to the North Korea crisis.

We will also consider S. 447, the JUST Act. Senators Baldwin and Rubio have worked on this issue for years in order to add clarity to a difficult process and provide support to Holocaust families and their survivors.

We also appreciate Senator Cardin's support and help in moving this bill. The amendment addresses changes that State requested and I would like to thank Senators Cardin, Baldwin, and Rubio for managing it so smoothly.

I also want to thank Senators Casey, Rubio and Wyden for bringing S. Res. 150 before the committee, which marks World Press Freedom Day.

This resolution underscores the fundamental role of a free press and draws attention to the fact that journalists doing their job around the world are killed, jailed, and subject to harassment.

Lastly, we will consider S. Res. 139. This resolution condemns Iran's state-sponsored persecution of Baha'is and its continued human rights violations. We thank Senators Wyden, Rubio, Boozman, and Durbin for co-sponsoring this resolution.

The CHAIRMAN. Does anybody else have any other—

Senator YOUNG. Give me about 20 seconds?

The CHAIRMAN. Yes, sir?

Senator YOUNG. I just want to thank Senators Markey and Gardner for their leadership on this effort. I am proud to be a cosponsor of the LEED Act. I support additional and stronger sanctions, as you put forward here, and look forward to supporting additional legislation in the future that will tighten the economic noose on Kim Jong Un.

Senator CARDIN. And I would ask to be made a cosponsor of the just act.

The CHAIRMAN. Without objection.

That completes the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

We will see you all at the hearing. Thank you all so much.

[Whereupon, at 3:05 p.m., the meeting was adjourned.]

## Additional Material Submitted for the Record

### LETTERS SUBMITTED FOR THE RECORD BY SENATOR GARDNER [REFERENCED ON PAGES 208–09]



September 7, 2017

The Honorable Cory Gardner  
United States Senate  
354 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Gardner,

I write to you today regarding your legislation, S. 1562, "North Korean Enablers Accountability Act of 2017," and the actions that my company, Rizhao Steel Holding Group Co., Ltd., is conducting to ensure that it no longer imports commodities and goods from the Democratic People's Republic of Korea.

Rizhao Steel was founded in 2003 and is one of the largest private steel companies in China. Our company is an integrated enterprise group with an annual production capacity of 15 million tons of steel. Domestic and foreign customers are mainly steel traders, service centers, and end-user manufacturers.

In light of the response by the United Nations Security Council, the United States Government, and the Chinese Government against the Democratic People's Republic of Korea, Rizhao Steel is dedicated to ensuring its adherence to international and domestic law.

Your legislation, S. 1562, has targeted Rizhao Steel for its imports of commodities from North Korea. Rizhao Steel has taken measures to halt any practices that would potentially lead to U.S. sanctions to be imposed on the company. Therefore, we want to demonstrate to you why Rizhao Steel should no longer be a target of your legislation.

In that regard, the Rizhao Steel Board of Directors has directed the company to implement the following steps:

1. Rizhao Steel has issued a public declaration that it will no longer import any goods or commodities from North Korea. In fact, this has been our policy since February 2017.
2. Rizhao Steel will only use Chinese or other international shipping or trading companies for imports and exports of finished products that do not engage in trade with North Korea.
3. Rizhao Steel is working with a U.S. law firm (Covington Burling LLP) to take the necessary steps to put in place a credible, transparent export control compliance program that governs both imports and exports. The scope of the program will cover U.S. trade controls – trade controls administered by the U.S. Departments of Commerce, State and Treasury, including the Export Administration Regulations, the International Traffics in Arms Regulations, and the various sanctions programs administered by the Treasury Department's Office of Foreign Assets Control.

Attached to this letter you will find a copy of the public declaration to no longer import goods or commodities from North Korea made by Rizhao Steel in both English and Chinese. [The public declaration can also be viewed on our website at [www.rizhaosteel.com/en/](http://www.rizhaosteel.com/en/). Additionally, attached is a copy of a resolution from the Board of Directors of Rizhao Steel on the establishment of a Department

of Compliance within the company, which is directed to implement the aforementioned export compliance program in both English and Chinese.

We welcome the opportunity to speak to you and your staff on these plans, as well as update you on the implementation of these steps in the coming months.

Thank you,

Xue Jian  
Vice Chairman  
Rizhao Steel Holding Group Co. Ltd.



Att.

Public Declaration on the Decision to End the Importation of Goods and Commodities from North Korea  
Board Resolution on Establishing the Department of Compliance